

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Wednesday 13th day of December Two Thousand And Seventeen

PRESENT:
THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A./310/01794/2014

I.Jayapal,
S/o. Isreal,
Injiparai Estate,
Lower Division,
Valparai Post,
PIN-641 127.

.....Applicant

(By Advocate : M/s. S.N. Ravichandran)

VS.

1. Union of India,
Rep. by its Secretary,
Ministry of Communication & IT,
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi- 110 001;
2. Assistant Director General (Pension)
Ministry o Communications & IT,
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi- 110 016;
3. The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai,
Chennai- 600 002;

4. Postmaster General,
Western Region (TN),
Coimbatore- 641 002;
5. Superintendent of Post Offices,
Pollachi Division,
Pollachi- 642 001. ...Respondents

(By Advocate: Mr. V. Chandrasekaran)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

The O.A. has been filed by the applicant seeking the following relief:-

“ i) to call for the records of the 5th Respondent pertaining to his orders made in (1) No.C/2008-2009/13 dated 15.06.2009, (2) No.C/2008-2009/13 dated 07.07.2009 and (3) No.C/2008-2009/13 dated 11.03.2010 and set aside the same, consequent to ;

ii) to direct the respondents to count the past service rendered by the applicant as GDS towards the short fall in qualifying service and grant minimum pension and also arrears of pension by invoking Rule 88 of CCS (Pension) Rules to the applicant; and,

iii) to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.”

2. Learned counsel for the applicant submits that applicant is aggrieved by the orders dated 15.06.2009, 24.07.2009 and 11.03.2010 by which his representations for grant of pension had been rejected on the ground that employees should have a minimum of 10 years qualifying service as a departmental employee to become eligible for pension. He produces a copy of the order passed by this Tribunal dated 25.1.2017 in O.A. 1712/2014 in which a similar case was considered in terms of the order of the C.A.T., Principal Bench in O.A. 749/2015 dated 17.11.2016 and liberty was granted to the applicants therein to submit a representation to the respondents and a direction issued to dispose of the representation by a reasoned and

speaking order keeping in view the directions contained in the said order and any further measures taken by them in pursuance thereof. He submits that his client would be satisfied if the instant O.A. is disposed of on the same terms.

3. Learned counsel for the respondents acknowledges the order passed by this Tribunal in O.A. No. 1712/2014 and submits that he had no objection to a similar direction being issued in this case.

4. In view of the submission, the applicant is granted liberty to submit a representation to the respondents in the light of the order of the Central Administrative Tribunal, Principal Bench in OA 749 of 2015 dated 17.11.2016 within a period of one month from the date of receipt of a copy of this order which the respondents shall dispose of by a reasoned and speaking order, keeping in view the direction contained therein and any further measures taken by them in pursuance thereof within a period three months thereafter.

5. The learned counsel for the applicant at this stage would further submit that although the applicant was appointed/promoted to the post of Group D by an order dated 31.12.1999, it was against a vacancy of previous year and, therefore, the shortfall of 8 months only could be condoned considering that there was delay on the part of the respondents which resulted in his late appointment as Group-D. He would also submit that relief had been granted in many cases on this ground as well. However, he is unable to produce any citation etc. in this regard.

6. In view of the above submission, the applicant shall be at liberty to make a mention of this fact as well in his representation along with a copy of the orders passed by the Tribunal/High Court/any precedent case of similar nature and on receipt of the same, the respondents shall pass a comprehensive speaking order within a period of three months from the date of receipt of copy of the order. The O.A. is disposed of accordingly. No costs.

(R. RAMANUJAM)
MEMBER(A)

13.12.2017

asvs.