

**Central Administrative Tribunal
Madras Bench**

OA/310/00247/2016

Dated Friday the 23rd day of March Two Thousand Eighteen

P R E S E N T

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

1. M.Parthasarathy
2. K.Sundarammal
3. R.Gopalakrishnan
4. N.Janakiraman
5. C.Alaguvellai Kone
6. G.Periyasamy
7. R.Murugan .. Applicants

By Advocate **M/s.R.Malaichamy**

Vs.

1. Union of India, rep by the
Secretary,
M/o Communication & IT,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi 110 011.
2. The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai, Chennai 600 002.
3. Senior Superintendent of Post Offices,
Madurai Division,
Madurai 625 002. .. Respondents

By Advocte **Mr.S.Nagarajan**

ORAL ORDER

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

Heard. The applicants have filed this OA seeking the following reliefs:-

“1. To call for the records of the 3rd respondent pertaining to his order made in No.CII/NPS dlgs/II/14 dated 30.7.2014 (Annexure-8) and set aside the same, consequent to;

2. direct the respondents to declare the applicants are not new entrants but covered under old pension scheme and thereby, direct the respondents to count the service rendered by the applicants under GDS cadre for the purpose of pension under old pension scheme under CCS (Pension) Rules 1972;

3. further direct the respondents to refund the amount recovered from the monthly wages of the applicants towards pension contribution under new pension scheme; and

4. 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 applicants would submit that a similar matter had been considered in OA 1712/2014 and an order was passed on 25.1.2017 granting liberty to the applicants therein to submit a representation to the respondents in the light of the order of the Principal Bench of the Tribunal in OA 749/2015 & Batch dated 17.11.2016. It is submitted that the applicants would be satisfied if they are also given similar liberty to represent on the basis of the said order of the Principal Bench and the respondents directed to to pass a reasoned and speaking order within a time limit to be prescribed by this Tribunal.

3. Learned counsel for the respondents would, however, submit that the said order of the Principal Bench had been challenged before the Hon'ble Apex Court and, therefore, it could not be said to have attained finality.
4. In view of the limited prayer, I deem it appropriate to grant liberty to the applicants to make representations to the respondents within a period of two months from the date of receipt of a copy of this order. On receipt of such representations the respondents shall consider and pass appropriate orders, subject to the outcome of the SLP said to be pending before the Hon'ble Apex Court, if the applicants are similarly placed.
5. OA is disposed of with the above directions. No costs.

(R.Ramanujam)
Member(A)
23.03.2018

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