

**Central Administrative Tribunal
Madras Bench**

MA 310/00433/2018 & OA 310/01051/2018

Dated Monday the 6th day of August Two Thousand Eighteen

P R E S E N T

**Hon'ble Shri. R.Ramanujam, Member(A)
&
Hon'ble Shri. P. Madhavan, Member (J)**

1. P. Jayaraman
2. G. Babu
3. N. Velu
4. M. Udayakumar
5. R Venkatramanan
6. A. Senthilkumar
7. A. Swaminathan
8. S. Moorthy
9. N. Chinnasamy
10. B. Shaul Hameed
11. T. Ramasamy
12. S. Murugesan

.. Applicants

By Advocate M/s. R. Malaichamy

Vs.

1. Union of India
Rep. by the Secretary
Ministry of Communications & IT
Department of Posts
Dak Bhavan, Sansad Marg
New Delhi – 110 001.
2. The Chief Postmaster General
Tamil Nadu Circle
Anna Salai, Chennai – 600 002.

3. The Postmaster General
Western Region (TN)
Coimbatore – 641 002.

4. The Senior Superintendent of Post Offices
Salem East Division
Salem – 636 001.

.. Respondents

By Advocate **Mr. K. Rajendran**

ORAL ORDER

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

Heard. MA 433/2018 filed for permitting the applicants to join together and file a single application is allowed.

2. The applicants have filed this OA seeking the following relief:-

“i. To call for the records of the 4th respondent pertaining to his orders which is made in Memo No. OA 310/1448/2017 dated 22.02.2018 (A-17) and set aside the same, consequent to

ii. direct the respondents to treat the GDS service rendered by the applicants as qualifying service along with regular service and thereby to treat the service of the applicants under old pension scheme within the purview of CCS[Pension]Rules 1972 and further,

iii. Direct the 4th respondent not to recover any amount from the salary of the applicants 2 to 12 towards New Pension Scheme and thereby to refund the amount recovered from their salary towards such Scheme; and

iv. To pass such further or other orders”

2. Learned counsel for the applicant submits that the applicant seeks to include his GDS service for the purpose of pension under the CCS(Pension) Rules 1972. He relies on the order passed by the Principal Bench of this Tribunal in OAs No. 749/2015, 3540/2015 and 613/2015.

3. Mr. K. Rajendran takes notice for the respondents and submits that the order of the Principal Bench in the aforesaid OA had been challenged before the Hon'ble

High Court and is still pending. Accordingly the ratio of the order of the Principal Bench order could not be said to have attained finality.

4. Keeping in view the aforesaid position, we deem it appropriate to dispose of this OA with the following direction:

The competent authority shall review Annexure A17 order dated 22.02.2018 in respect of the applicants if similarly placed, in the event of the Hon'ble Delhi High Court upholding the order of the Principal Bench in the said OA without taking the ground that the applicants were not party in the said OA.

5. Accordingly OA is disposed of at the admission stage.

(P. Madhavan)
Member (J)

AS

06.08.2018

(R.Ramanujam)
Member(A)