

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

MA310/00154/2018 & OA/310/00385/2018

Dated 27th day of March Two Thousand Eighteen

PRESENT

HON'BLE SMT. B. BHAMATHI, Member (A)

1.M.Veeraraghavan,
2.M.Muruganandam,
3.R.Rajendiran,
4.R.Premkumar,
5.V.Duraimurugan,
6.D.Noramary,
7.R.Priya,
8.K.Ravichandran.Applicants

By Advocate M/s. P. Rajendran

Vs

1.Union of India rep by the
Chief Postmaster General,
Tamil Nadu Circle,
Chennai 600002.
2.The Senior Superintendent of Post Offices,
Chennai City South Division,
Chennai 600017.Respondents

By Advocate Mr. K. Rajendran

ORDER

(Pronounced by Hon'ble Smt. B. Bhamathi, Member(A))

Heard. MA filed by the applicants for joining together is allowed.

2. The applicants have filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To direct the respondents to refrain from applying the New Pension Scheme to the applicants but to apply the Old Pension Scheme and count the service rendered in the post of GDS for the purpose of computing the qualifying service for Pension as directed by the Principal Bench of this Hon'ble Tribunal in OA no. 749/2015 etc. dated 17.11.2016 and render justice.”

3. It is submitted that the applicants were initially appointed before 01.01.2004 and thereafter absorbed on regular basis after 01.01.2004. The applicants are aggrieved that the New Pension Scheme is applied on them and 10% of Basic Pay plus Dearness Allowance is deducted from their salary on the basis that they were appointed on regular basis after 01.01.2004. It is contended that since the dates of initial appointment in the Government Service is prior to 01.01.2004, the applicants are eligible for the Old Pension Scheme. Hence, the applicants have filed this OA.

4. Learned counsel for the applicants relies on the order of the Principal Bench in OAs 749/2015 etc., dated 17.11.2016 and also the judgment of the Hon'ble Madras High Court in the case of ***Union of India Vs. K. Punniyakoti and ors.*** dt. 19.03.2014. Learned counsel for the applicants submits that the applicants herein are similarly placed as the applicants in OA 223/2018 which was disposed of at the admission stage by an order dt.

16.02.2018 permitting the applicants therein to submit representations which was directed to be disposed of by the respondents therein by reasoned and speaking orders.

5. On perusal, it is seen that the applicants have not made any representations to the department with regard to their grievance and without exhausting the departmental remedy, they have directly approached this Tribunal.

6. Mr. K. Rajendran takes notice for the respondents.

7. To meet the ends of justice and without going into the merits of the case, I deem it appropriate to permit the applicants herein to make their representations to the respondents citing the order of the Principal Bench and judgment of Hon'ble Madras High Court (supra) within a period of one week from the date of receipt of a certified copy of this order. On receipt of such representations, the respondents are directed to consider the same in accordance with law, in the light of order of the Principal Bench (supra) and the judgment of the Hon'ble Madras High Court (supra) and pass reasoned and speaking orders thereon within a period of three weeks thereafter.

8. OA is disposed of with the above direction at the admission stage.

(B. Bhamathi)
Member(A)
27.03.2018

SKSI