

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00638/2018

Dated Wednesday the 6th day of June Two Thousand Eighteen

PRESENT

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

P.Dhakshina Moorthy,
No. 2/18, West Street,
Malavarayanatham,
Alwartirunagari 628612.

....Applicant

By Advocate M/s. S. Arun

Vs

- 1.Union of India rep by
Chief Postmaster General,
O/o the Chief Postmaster General,
Chennai 600002.
- 2.The Senior Superintendent of Post Offices,
Tuticorin Division,
Tuticorin 628008.

....Respondents

By Advocate Mr. K. Rajendran

ORAL ORDER

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

Heard learned counsel for the applicant. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To set aside Memo No. B2/Misc/Dlgs dated 30.01.2017 passed by the 2nd respondent and consequently direct the respondents to induct applicant under Old Pension Scheme in terms of CCS(Pension) Rules, 1972 after considering his Gramin Dak Sevak service at the rate of 5/8 for the period spend in Gramin Dak Sevak Post till his retirement for the purpose of pension calculation and pass such other orders as are necessary to meet the ends of justice.”

2. When the matter is taken up for hearing, learned counsel for the applicant submits that the applicant made representation on 27.01.2017 for counting his service rendered as GDS referring therein to the order dt. 17.11.2016 of the Principal Bench in OAs 749/2015 and batch. Learned counsel for the applicant produces a copy of the order dt. 11.04.2018 passed by this Tribunal in OA 482/2018 and submits that a similar order could be passed.

3. Mr. K. Rajendran takes notice for the respondents and he has no objection to the same.

4. On perusal of the order dt. 11.04.2018, it is stated as follows:

“3. Mr. K. Rajendran takes notice for the respondents and produces an order dated 30.1.2015 of the Hon'ble Delhi High Court in WP(C) Nos. 832/2018, 834/2018 and 835/2018 in which the writ petitioners ie., Union of India & Others had been directed to file an affidavit to explain inter alia the delay in approaching the court for relief. It is accordingly submitted that the Hon'ble Delhi High Court was seized of the matter and, therefore, the direction of the Principal Bench in the said cases

had not attained finality.

4. In view of the submissions, it is not possible to grant the relief sought by the applicant in this OA on the strength of the order of the Principal Bench in the aforesaid OAs at this stage as the matter does not seem to have attained finality. I, therefore, deem it fit to dispose of this OA with a direction to the respondents to reconsider Annexure A3 impugned order dated 30.1.2017 in the event of the order of the Principal Bench in the aforesaid cases attaining finality on the same reasoning as given in the order of the Principal Bench subject to any observations / directions by higher courts.

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

5. Accordingly, considering the fact that order dt. 17.11.2016 of the Principal Bench has not attained finality, I deem it appropriate to dispose of this OA in a similar manner with a direction to the respondents to reconsider the impugned order dt. 30.01.2017 in the event of the order of the Principal Bench dt. 17.11.2016 attaining finality subject to any observations / directions by higher Courts.

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

(B. Bhamathi)
Member(A)
06.06.2018

SKSI