

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./310/01066/2014
&
M.A./310/00398/2017
in
O.A./310/01066/2014

J. Alwin Jayaseelan,
S/o. Jayasingaram,
Suvishesapuram,
Mogaiyur,
Tirukovilur,
Villupraam District,
PIN-605 755.

.....Applicant in both O.A. & M.A.

(By Advocate : M/s. R. Malaichamy)

VS.

1. Union of India,
Rep. by its Secretary,
Department of Posts,
Ministry of Communication & IT,
Dak Bhavan,
Sansad Marg,
New Delhi- 110 001;
2. The Postmaster General,
Central Region (TN),
Tiruchirappalli- 620 001;
3. Senior Superintendent,
RMS "T" Division,
Tiruchirappalli- 620 001.

..Respondents in both O.A. and M.A.

(By Advocate: Mr. S. Navaneetha Krishnan)

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 2nd Respondent pertaining to his order which is made in No. STC/5-6/09 dated 03.12.2010 and the order of 3rd Respondent made in No. B2/MTS Misc dated 19.06.2014 and set aside the same, consequent to;
- ii) direct the Respondents to pay the pension and all other retirement service benefits with arrears of pension and other retirement service benefits to the applicant and
- iii) to pass such further or other orders as this Hon'ble Tribunal may deem fit and proper."

2. Learned counsel for the applicant submits that applicant is aggrieved by the order dated 19.06.2014 by which his representation dated 27.05.2014 for grant of pension had been rejected on the ground that GDS employees on becoming departmental 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 to the post of Mailman in the year 1990, it was against a vacancy of 1989 and, therefore, the shortfall of five months only could be condoned considering that there was delay on the part of the respondents which resulted in his late appointment as Mailman. He would also submit that relief has 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.

7. M.A. No. 398/2017 had been filed by the applicant seeking a direction to the respondents to produce the selection file of the applicant to the cadre of Mailman/Group D. In view of disposal of the O.A., no order is required to be passed and accordingly the M.A. stands disposed of.

(R. RAMANUJAM)
MEMBER(A)

13.12.2017

asvs.