

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.200/2019

Dated Tuesday, the 26th day of February, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

J.Alwin Jayaseelan,

S/o Jayasingaram,

Suvishesapuram,

Mogaiyur, Thirukovilur,

Villipuram District 605 755.

...Applicant

By Advocate M/s S.RamaswamyRajarajan

Vs.

1.Union of India, rep., by

The Senior Superintendent of Post Offices,

RMS "T" Division, Tiruchirapalli 620 001.

...Respondents

By Advocate Mr.C.Kulanthaivel

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

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“(i)To direct the respondents to dispose the representation dated 23.06.2018 given by the applicant

(ii)To pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case with cost.”

2. It is submitted that the applicant was initially appointed as GDS in the year 1981 and thereafter absorbed as Group D in 1990. He was compulsorily retired from service w.e.f 05.04.2000. He fell short of the requisite qualifying service of ten years to be eligible for pensionary benefits. The applicant made a representation for counting his services as GDS for pension purposes in the light of the order of the Principal Bench in **OA 749/2015 dated 17.11.2016 in the case of VINOD KUMAR SAXENA AND OTHERS VS. UNION OF INDIA, M/O COMMUNICATIONS** and in pursuance of the liberty granted by this Tribunal in OA 1066/2014 by an order dated 13.12.2017. No reply was received to his Annexure A-6 representation dated 23.06.2018.

3. Further, a copy of the order passed by the respondents dated 31.12.2018 is produced by the learned counsel for the applicant at the time of hearing. A perusal of the order shows that the applicant's representation had been rejected inter alia on the ground that the

respondents had moved the Hon'ble Delhi High court in WP No.832/2018 against the orders of the Principal Bench of this Tribunal in OA 749/2015 dated 17.11.2016 and the matter is pending.

4. Mr.C.Kulanthaivel takes notice on behalf of the respondents.

5. Similar matters had been considered by this Tribunal in other OAs. It was also given to understand that the issue is also pending before the Hon'ble Apex court in SLPs No.16767/2016 & 18460/2015. Accordingly, a direction was issued to the respondents to review their decision in the case of the applicant(s) therein, in the event of the Hon'ble Apex court upholding the order of the Principal Bench of this Tribunal.

6. In view of the above, this OA is disposed of with a direction to the respondents to review their decision conveyed by order dated 31.12.2018 in case of the applicant in the event of the Hon'ble Apex court upholding the law in favour of persons similarly placed as the applicant within a period of three months thereafter.

(R.RAMANUJAM)
MEMBER (A)
26.02.2019

M.T.