

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Tuesday 4th day of December Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A. 310/697/2018

K.C. Parasuraman,
S/o. M. Chinnamuthu,
No. 53/2, Ajoy Nagar,
Karumalai Kudal,
Mettur Dam RS,
Salem District,
PIN- 636 402.

....Applicant

(By Advocate: Mr. R. Malaichamy)

Versus

1. Union of India Rep. by the Secretary,
Ministry of Communications & I.T.,
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- 641 001;
4. The Superintendent of Post Offices,
Salem West Division,
Salem- 636 006.

...Respondents

(By Advocate: Mr. K. Rajendran)

ORAL ORDER

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

Heard. The applicant has filed this OA seeking the following reliefs:-

"to call for the records of the 4th respondent pertaining to his order which is made in (1) BGT/NPS dlgs dated 07/14.01.2015, (2) the order made in No. BGT/NPS dated 25.02.2016 and (3) the order made in No/BGT/OA/949/2017 dated 28.02.2018 and set aside the same; consequent to

ii) direct the respondents to treat the year of vacancy and the service rendered in GDS cadre by the applicant and grant retirement service benefits including pension to the applicant under old pension scheme within the purview of CCS(Pension) Rules 1972 with all retirement service benefits, also

iii) direct the respondents to revise and refix the retirement service benefits including pension of the applicant and pay arrears of pension and connected retirement service benefits to him; further to

iv) direct the respondents to refund the amount already recovered from the applicant towards contribution under New Pension Scheme."

2. Learned counsel for the applicant would submit that the applicant sought the aforesaid reliefs on two grounds; (i) that he was entitled to count the services rendered as GDS for the purpose of pension under the CCS (Pension) Rules 1972 in terms of the order of the Principal Bench of this Tribunal in O.A. No. 749/2015 and batch decided on 17.11.2016 and (ii) that he was appointed to regular government service against a pre-2004 vacancy and as the delay in filling up the vacancy was not attributable to the applicant, the respondents could not hold their own lapses in failing to make timely recruitment against the applicant and deny him the benefits that would have accrued to him under the CCS (Pension) Rules, had he been selected and appointed in the relevant year. However, the order of

the Principal Bench had been challenged before the Hon'ble Delhi High Court where the matter is still pending. This Tribunal had granted relief on the second ground in some cases which had been upheld by the Hon'ble Calcutta High Court. However, SLP No. 16767/2016 has been filed before the Hon'ble Apex Court, as such, the law on the subject is expected to be laid down by the Hon'ble Supreme Court.

3. Learned counsel for the respondents would submit that in the event of the law attaining the finality in favour of the persons similarly placed as the applicant, the applicant's case could also be reviewed and appropriate orders be passed by the respondents regarding his claim for pension under CCS(Pension) Rules 1972.

4. Keeping in view the above submission, this OA is disposed of with a direction to the respondents to review the impugned order dated 28.2.2018 in the case of the applicant by which his request for pension had been turned down in the event of the law being finally decided in favour of persons similarly placed as of the applicant, and pass appropriate orders within three months from such an event.

5. O.A. is disposed of. No costs.

(R. RAMANUJAM)
MEMBER (A)

04.12.2018

Asvs.