

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.491/2018

Dated Monday, the 17th day of December, 2018

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

M.Prabhakar,
S/o.A.Maduraimuthu, No.4, Patel Road,
Srirangam, Tiruchirapalli, PIN 620 006

...Applicant

By Advocate M/s R.Malaichamy

Vs.

1. Union of India,
Rep., by the Secretary,
Ministry of Communications & IT.,
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,
Central Region (TN), Tiruchirapalli 620 001.

4.The Superintendent of Post Offices,
Srirangam Division, Srirangam 620 006.

...Respondents

By Advocate Mr.M.Kishore Kumar

(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 relief:

“(i)To call for the records of the 4th respondent pertaining to his order which is made in No.E/Misc/dlgs dated 12.03.2018 and set aside the same, consequent to;

(ii)Direct the respondents to treat the officiating service rendered by the applicant from 06.09.2002 to 29.10.2010 along with regular service rendered in Postman cadre and also the rendered service in GDS cadre by the applicant as qualifying service 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; and

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

2. Learned counsel for the applicant would submit that the applicant is similarly placed as those in OA 749/2015 disposed of by the Principal Bench by an order dated 17.11.2016. As the Principal Bench had held that persons appointed as GDS are entitled to pension, the applicant should also be granted the benefit as it was a judgement in rem.

3. Mr.M.Kishore Kumar, learned counsel for the respondents, however, opposes the prayer submitting that a similar claim had been considered by this Bench earlier in OA 785/2011 which was rejected. The matter was taken up further before the Hon'ble Madras High Court in WP No. 13500/2016. Hon'ble High Court in its order dated 17.10.2016 rejected the prayer of the applicants therein and held that though GDS were holders of a Civil Post, they were not entitled to pension as they were outside the Civil Service of the Union. It is submitted that the Principal Bench passed the order in the said OA without being aware of the order passed by the Hon'ble Madras High Court and, therefore, the applicant could not claim benefit thereunder. In any case, the order of the Principal Bench has been

challenged in a Writ Petition before the Hon'ble Delhi High Court and as such, it has not attained finality. He further submits that the demand for pension by GDS was considered by the 7th Pay Commission which had also noted that in terms of the judgement of the Hon'ble Supreme Court in the relevant case, GDS were only holders of a Civil Post and did not belong to a Civil Service of the Union.

4. I have considered the matter. Similar cases had been disposed of by this Tribunal in OA 1139/2017 & batch by order dated 28.11.2018. It was observed therein that as the Hon'ble Delhi High court is seized of the matter, the law on the subject was expected to attain finality only after the matter is disposed of by the Hon'ble High Court and in terms of any order that might be passed by the Hon'ble Apex court in the event of any SLP being filed there against. I, therefore, deem it appropriate to dispose of this case on the same lines. It is, accordingly, directed that the respondents shall reconsider the claim of the applicant for pension under CCS Pension Rules, 1972 in the event of the law being finally settled in favour of persons similarly placed as the applicant herein with regard to his entitlement for grant of pension under the said rules.

5. OA is disposed of as above.

**(R.RAMANUJAM)
MEMBER (A)**

M.T.

17.12.2018