

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.699/2018

Dated Tuesday, the 29th day of January, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

P. Rengaraj

6/87, Landakottai BO

Palayam 624 620

... Applicant

By Advocate M/s. P. R. Satyanarayanan

Vs.

1. Union of India, represented by

Postmaster General

Southern Region

Madurai 625 002.

2. Superintendent of Post Offices

Dindigul Postal Division

Dindigul 624 001.

... Respondents

By Advocate Ms. Shakila Anand

(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:

“To call for the records relating to the impugned proceedings No. B2/PMN-MTS/GDS SERVICE/DLGS dated 19.12.2017 passed by the second respondent and quash the same as arbitrary and illegal and direct the respondents to grant eligible Pension and other retirement benefits to the applicant as admissible under CCS(Pension) Rules, 1972 and pass such further or other orders.”

2. It is submitted that the applicant was appointed as GDS BPM from 12.07.1974 and was promoted as Postman w.e.f 17.07.2004. He retired from service on 31.10.2015. The applicant was appointed as Postman against a vacancy that arose in the year 2002 as revealed by the Annexure A-5 RTI information provided to the applicant in response to his letter dated 30.09.2016. This Tribunal had in several similar cases directed the respondents to grant pension to the applicants under the CCS Pension Rules, 1972. The order of the Tribunal had also been upheld by the Hon'ble Madras High Court in such cases.

3. Learned counsel for the applicant seeks to produce a copy of the orders of this Tribunal in OA 1021 & 1023/2016 dated 20.04.2017 granting relief to similarly placed persons. A copy of the order of the Hon'ble Madras High Court in WP No.21193/2015 dated 01.03.2017 is

also produced wherein pension was directed to be granted to a person who had been appointed against a vacancy of the year 2002-2003.

4. Learned counsel for the respondents, however, submits that the law on the subject had not attained finality as presently a SLP is pending in the Hon'ble Apex Court on whether persons appointed against pre-2004 vacancies could be granted pension under the CCS Pension Rules as also whether persons who had served for a long period as GDS before induction into Government service could be allowed to count their services for pension.

4. I have considered the submissions. This Tribunal has disposed of similar OAs with a direction to the respondents to review their decision in regard to the applicants therein in the event of the law being settled finally by the Hon'ble Apex court in favour of persons who had served as GDS for long years and/or who had been appointed against a pre-2004 vacancy for pension under the CCS Pension Rules, 1972. Accordingly, I am of the view that this OA could also be disposed of with the following direction:

"The competent authority shall review the Annexure A-10 impugned order dated 19.12.2017 in the event of the law being finally settled in favour of persons similarly placed as the applicant with respect to the year of

vacancy or counting the services rendered as GDS and pass a fresh order within a period of three months thereafter."

5. The OA is disposed of as above.

**(R.RAMANUJAM)
MEMBER (A)
29.01.2019**