

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

RA/310/00021/2017 in OA/310/01444/2014

Dated Monday the 7th day of January Two Thousand Nineteen

**CORAM : HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

S.Swaminathan,
No. 3.I, Pudhu Gramam,
Sundravinayagar Koil Street,
Tirunelveli Pettai,
Tirunelveli 627004.Applicant/Applicant

By Advocate M/s. R. Malaichamy

Vs

1.Union of India,
rep by its Secretary,
Department of Posts,
Ministry of Communications & IT,
Dak Bhavan, Sansad Marg,
New Delhi 110001.

2.The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai, Chennai 600002.

3.Postmaster General,
Southern Region (TN),
Madurai 625002.

4.Superintendent of Post Offices,
Tirunelveli Division,
Tirunelveli 627002.Respondents/Respondents

By Advocate Mr. J. Vasu

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

Heard. The applicant has filed this RA against the order of this Tribunal dt. 31.03.2017 in OA 1444/2014. It is submitted that the applicant had worked as GDS prior to being appointed as Postman under the 4th respondent for nearly 21 years. The applicant had also officiated as Group-D (MTS) from 2002 to 03.11.2010 for nearly 8 years continuously. He also worked as Postman at Chinnamanur from 04.11.2010 to 06.09.2012.

2. The Tribunal had dismissed the applicant's claim for pension as he had been appointed on a regular basis only from 15.10.2009 on which date the New Pension Scheme had already come into force.

3. Learned counsel for the applicant would submit that this Tribunal in similar cases had arrived at a different finding and granted the relief of pension under the CCS (Pension) Rules, 1972 if the employee had been continuously officiating on a Group-D post with effect from a date prior to 01.01.2004. As a view had been taken in this OA on the erroneous notion that the applicant had only worked on a Group-D post in 2002 against a leave vacancy and not a vacant post, the matter called for review, it is contended.

4. On perusal, it is seen that although the order of this Tribunal dt. 31.03.2017 does mention that the applicant had worked as Postman Group-D on officiating basis against a leave vacancy, it does not seem to materially alter the fact that he was appointed on regular basis only on 15.10.2009. As such, his

claim for Old Pension on the basis of functioning as Postman (Group-D) officiating basis could not be considered. As for the contention that the Tribunal had arrived at a different finding on the point of law in other OAs, it is far too late for the applicant to bring this to the notice of the Tribunal in a Review Application. The applicant ought to have cited the relevant orders at the time of arguments, if not earlier. He could also have exercised an appropriate legal remedy soon after the passing of the order if it was felt that the order was not in accordance with orders passed by another Bench of this Tribunal.

5. At this stage, learned counsel for the applicant would submit that the matter of inclusion of service rendered as GDS for the purpose of pension had been decided favourably by the Principal Bench of this Tribunal in OAs 749/2015 & batch by order dt. 17.11.2016 against which a Writ Petition had been filed in the Hon'ble Delhi High Court. This Tribunal in similar cases had passed an order to the effect that the respondents shall review their decision not to grant pension for the GDS services, should it be finally decided by the Hon'ble Delhi High Court/Hon'ble Apex Court that services rendered as GDS shall qualify for such purposes. Accordingly, the applicant would be satisfied if he is permitted to make a representation to the competent authority and the same is directed to be considered in the light of the order to be passed by the Hon'ble Delhi High Court in the said case.

6. In view of the above, although the RA is strictly not maintainable, we dispose of the RA with an observation that the order of this Tribunal in OA

1444/2014 dt. 31.03.2017 may not be held against the applicant should the law on the subject be finally decided in favour of persons similarly placed as the applicant for the purpose of counting of services as GDS for pension.

7. RA is disposed of as above.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

07.01.2019

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