

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

MA/310/00407/2018 & OA/310/00987/2018

Dated Thursday the 26th day of July Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

&

HON'BLE MR. P. MADHAVAN, Member (J)

- 1.D.Muralidharan,
 - 2.S.Gunasekaran,
 - 3.G.Kalairani,
 - 4.G.Shanthakumar,
 - 5.C.Dhandayuthapani,
 - 6.S.Sheela,
 - 7.P.Dhayalan,
 - 8.V.Elangovan,
 - 9.G.Selvam,
 - 10.S.Settu,
 - 11.P.Thulasiraman,
 - 12.D.Elavarasan,
 - 13.S.Jayanthi,
 - 14.T.Shanmugam,
 - 15.M.Narasimhan,
 - 16.R.Saravanan.
-Applicants

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 110001.
- 2.The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai, Chennai 600002.

3.The Postmaster General,
Chennai City Region (TN),
Chennai 600002.

4.The Superintendent of Post Offices,
Vellore Division,
Vellore 632001.

....Respondents

By Advocate Mr. K. Rajendran

ORAL ORDER

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

Heard. The applicants have filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- "i. To call for the records of the 1st respondent made in Rule 6 of the GDS (C&E) Rules, 2011 and 4th respondent pertaining to his orders which is made in B2/Pension dlgs dt. 23.05.2018 (A4) and set aside the same consequent to,
- ii. Direct the respondents to declare the applicants are not new entrants but their services including GDS service covered under old pension scheme for all purposes ie., old pension scheme under CCS (Pension) Rules, 1972 consequent to,
- iii. Direct the respondents to refund the amount recovered from their monthly wages towards pension contribution under new pension scheme and,
- iv. To pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case. "

2. It is submitted that the applicants are entitled to pension in terms of the order of the Principal Bench of this Tribunal in OAs 749/2015 and batch and therefore, Annexure A4 impugned order dt. 23.05.2018 rejecting their request is liable to be set aside and the respondents directed to grant them pension.

3. Mr. K. Rajendran, Standing counsel takes notice for the respondents and submits that the order of the Principal Bench in the said cases had been challenged in a Writ Petition before the Hon'ble Delhi High Court and the matter is pending. The respondents would take action as per the directions of the Hon'ble High Court as and

when the Hon'ble High Court disposes of the matter.

4. Keeping in view of the aforesaid submission, this OA is disposed of with a direction to the respondents to review Annexure A4 impugned order dt. 23.05.2018 in respect of the applicants if the Hon'ble Delhi High Court upholds the decision of the Principal Bench in the aforesaid cases. In such an event, case of the applicants shall not be rejected only on the ground that the applicants were not a party in the OA/WP.

5. OA is disposed of with the above direction at the admission stage. Consequently, MA filed for joining together is disposed of.

(P. Madhavan)
Member(J)

(R.Ramanujam)
Member(A)

26.07.2018

SKSI