

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

OA 310/00857/2017

Dated Tuesday the 11th day of December Two Thousand Eighteen

P R E S E N T

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

E. Karunanidhi
No.2/53, Budhar Street
Perumugai Village & Post
Vellore – 632 009.

.. 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 Director (M&BD)
O/o. The Chief Postmaster General
Tamil Nadu Circle
Anna Salai, Chennai 600 002.
4. The Deputy Director
Foreign Post
Chennai – 600 001.

.. Respondents

By Advocate Mr. J. Vasu

ORAL 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 reliefs:

“1. To declare Rule 6 of GDS (C&E) Rules, 2011 as null and void and violative of Articles 14, 16 & 21 of Constitution of India

2. To call for the records of the 4th respondent pertaining to his order made in No. FP/AD/C-447/16-17 dated 07.04.2017 and set aside the same; consequent to,

3. direct the respondents to count the entire GDS service rendered by the applicant along with qualifying service rendered in Postman and Postal Assistant Cadre and thereby further direct them to revise and re-fix the retirement service benefits of the applicant accordingly; and

4. To pass such further or other orders”

2. The grievance of the applicant is that his services as GDS had not been taken into account for the purpose of determining pension under the CCS (Pension) Rules, 1972. The applicant seeks to rely on the order of the Principal Bench in OA 749/2015 dt. 17.11.2016. The claim of the applicant is that as similarly placed persons had been granted relief therein, the applicant is also entitled to such relief.

3. Learned counsel for the respondents would submit that the order of the Principal Bench in the above case had been challenged in the Hon'ble Delhi High

Court where the matter is pending. However, the order of the Principal Bench was *per incuriam* in as much as the Hon'ble Madras High Court had already upheld the validity of the GDS (C&E) Rules 2011 in WP 13500/2016 and as such the OA is liable to be dismissed.

4. Learned counsel for the applicant would, however, submit that similar cases had been disposed of by this Tribunal directing the respondents to reconsider the case of the applicants therein in the event of the law on the subject finally being declared in favour of the applicants similarly placed and, therefore, similar order may be passed in this case also. He would cite the order passed in OA 1139/2017 and batch in this regard.

5. Keeping in view the above, this OA is disposed of with the following direction:

“Respondents are directed to 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.”

(R. Ramanujam)
Member(A)
11.12.2018

AS