

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01721/2018

Dated Monday the 31st day of December Two Thousand Eighteen

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

K.V.Sugumar,
No. 8/218, Nehruji 4th Street,
New Kamaraj Nagar,
Vyasarpadi, Chennai 600039.

....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 110001.

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

3.The Postmaster General,
Chennai City Region,
Chennai 600002.

4.The Superintendent of Post Offices,
Chennai City North Division,
Chennai 600008.

....Respondents

By Advocate Mr. Su. Srinivasan

ORAL ORDER

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

Heard. The applicant has filed this OA seeking the following reliefs :

"1. Direct the respondents to induct the applicant into statutory pension scheme under CCS (Pension) Rules, 1972 notionally treating the applicant as he has been appointed as Postman from the date of occurrence of vacancy in the year 2003 and 2004, also by counting the entire GDS service, along with regular service for the limited purpose of grant of pension under CCS (Pension) Rules 1972; further,

2. direct the respondents to treat the service of the applicant under old pension scheme and thereby to open GPF Account instead of CPF Account and

3. 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 submits that the applicant desired to be brought under the CCS (Pension) Rules, 1972 for the purpose of post-retirement benefits including pension. He had been appointed against a vacancy of the year 2003 though the order of appointment was issued after 01.01.2004. He is entitled to such benefit based on judicial precedents. Even if it is assumed that the applicant had been appointed against 2004 vacancy only, the issue of grant of benefit for service rendered as GDS is still before Hon'ble Delhi High Court after the Principal Bench of this Tribunal ruled in favour of persons similarly placed as the applicant. The applicant would be entitled to the benefit in terms of the law that would be laid down by the Hon'ble Delhi High Court in this regard, it is contended.

3. Mr. Su. Srinivasan, SCGSC takes notice for the respondents and submits that in terms of the law laid down by the Hon'ble Apex Court, the appointment

of GDS as Postman through competitive examination is to be treated as Direct Recruitment and not a promotion. In any case, GDS are not entitled to pension under the GDS (Pension) Rules, 1972 as the prayer in this regard to set aside the relevant rule in the Rule 6 of the GDS (Conduct & Engagement) Rules had been rejected by the Hon'ble Madras High Court by an order dt 17.10.2016 in WP 13500/2016.

4. Learned counsel for the applicant would submit that the applicant had made Annexure A2 representation dt. 25.06.2018 in this regard and he would be satisfied if the competent authority is directed to pass a reasoned and speaking order within a time limit to be set by the Tribunal.

5. In view of the above submission, without going into either the substantive merits of the case or the judicial precedents relied upon by either side, I deem it appropriate to direct the respondents to consider Annexure A2 representation of the applicant dt. 25.06.2018 in accordance with law and also the facts of the case in the event of the applicant having been appointed against a 2003 vacancy and pass a reasoned and speaking order within a period of three months from the date of receipt of a copy of this order.

6. OA is disposed of at the admission stage.

(R. Ramanujam)
Member(A)
31.12.2018

SKSI