

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00028/2019

Dated Wednesday the 9th day of January Two Thousand Nineteen

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

M.Kamatchi,
Plot No. 3, Golden City,
Chettikulam,
Omachikulam,
Tirumalpuram Post,
Madurai 625014.

....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,
Southern Region (TN),
Madurai 625002.

4.The Senior Superintendent of Post Offices,
Madurai Division,
Madurai 625002.

....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. To call for the records of the 4th respondent pertaining to his orders which is made in No. C11/NPS/Dlgs dated06.2018/02.07.2018 and set aside the same, consequent to,

2. direct the respondents to treat the service of the applicant by counting the GDS service rendered by him also for grant of pension under old pension scheme ie, under CCS (Pension) Rules, 1972; consequent to,

3. direct the respondents to refund the amount being recovered from his pay and allowance towards pension contribution under new pension scheme; and

4. 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 would submit that the applicant was seeking the benefit of service rendered as GDS for the purpose of counting the qualifying service for pension under the CCS (Pension) Rules, 1972. Persons similarly placed as the applicant had obtained a favourable decision in this regard from the Principal Bench in OA 749/2015 & batch by order dt. 17.11.2016. The matter is now before the Hon'ble Delhi High Court and the law on the subject would only be settled after the matter is finally decided by the Hon'ble Delhi High Court and by the Hon'ble Apex Court, should there be an SLP/CA thereagainst. This Bench has disposed of similar cases directing the respondents to review their stand if the matter is finally decided in favour of persons similarly placed as the applicants therein and the applicant would be satisfied if a similar order is passed in this OA.

3. Mr. Su. Srinivasan, SCGSC takes notice for the Central Government and

submits that the applicant had no claim in terms of the law laid down by the Hon'ble Madras High Court in WP 1350/2016 dt. 17.10.2016. Accordingly, the OA is liable to be dismissed at the admission stage itself, it is contended.

4. We have considered the matter. Since we have disposed of similar OAs with the observation that the respondents would have to review their stand in the event of the law being finally decided in favour of the persons similarly placed as the applicant, without going into the substantive merits of the case, we deem it appropriate to dispose of this case also with a similar direction. Accordingly, the respondents shall review Annexure A4 impugned order dt. 02.07.2018 in the event of the law being settled finally in favour of the persons similarly placed and pass appropriate orders within a period of three months thereafter.

5. OA is disposed of at the admission stage.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

09.01.2019

SKSI