

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01130/2018

Dated Friday the 24th day of August Two Thousand Eighteen

PRESENT

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

M.Subramanian,
S/o. Maruthai,
No. 121, Vaiyapuri Nagar, 1st Cross,
Sengunthapuram Post,
Karur 639002.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,
Central Region (TN),
Tiruchirapalli 620001.

4.The Superintendent of Post Offices,
Karur Division, Karur 639001.Respondents

By Advocate Mr. Su. Srinivasan

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 call for the records of the 4th respondent pertaining to his order made in No. E/Misc dlgs dt. 29.06.2018 and set aside the same, consequent to,

2. Direct the respondents to count the period of year of vacancy 2002 till the applicant was appointed as postman, the service rendered in GDS cadre and thereby to bring the service of the applicant under old pension scheme, within the purview of CCS (Pension) Rules, 1972 and further,

3. Direct the respondents to refund the amount of subscription being recovered from his pay and allowances towards 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. The applicant is aggrieved by the rejection of his representation to allow his GDS service as qualifying for pension under the CCS (Pension) Rules, 1972 by Annexure A5 communication dt. 29.06.2018. It is submitted that although the applicant had highlighted the order passed by the Principal Bench in this regard in OAs 749/2015 and batch dt. 17.11.2016, the impugned order has been passed without any reference to the same. It is also submitted that the respondents had filed a WP before Hon'ble Delhi High Court which is pending. Even otherwise, the applicant having been appointed against a vacancy of 2002 was entitled to be treated as eligible for pension under the CCS (Pension) Rules, 1972 in terms of various orders

passed by this Tribunal. However, these orders along with the orders of the High Courts concerned are before the Hon'ble Apex Court in an SLP. Accordingly, the applicant would be satisfied if the respondents are directed to review Annexure A5 impugned order dt. 29.06.2018 in the event of the decision of the Tribunal being upheld by the Hon'ble Delhi High Court/Hon'ble Apex Court.

3. Mr. Su. Srinivasan takes notice for the respondents.
4. Keeping in view the aforesaid situation, this OA is disposed of at the admission stage with the following direction:

" In the event of Hon'ble Delhi High Court/Hon'ble Apex Court upholding the decisions of the Tribunal in the relevant cases in favour of persons similarly placed as the applicant and the law accordingly attaining finality in consequence thereof, the competent authority shall review Annexure A5 communication dt. 29.06.2018 in the case of the applicant and pass a reasoned and speaking order in accordance with law within a period of two months thereafter. "
5. OA is disposed of at the admission stage.

**(R. Ramanujam)
Member(A)
24.08.2018**

SKSI