

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.872/2017

Dated Tuesday, the 5th day of February, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

N. Santhiveeran

No. 5-18/112 F, Postal Colony

Aruppukottai – 626 101.

... 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 Postmaster General

Southern Region (TN)

Madurai – 625 002.

4. The Senior Superintendent of Post Offices

Virudhunagar Division

Virudhunagar – 626 001.

... Respondents

By Advocate Mr. K. Ramasamy

(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. C/1-1/Pension DlgS dated 20.03.2017 and set aside the same; consequent to

3. To direct the respondents to count the entire GDS service of the applicant and also treat the period of year of vacancy 1997 till the applicant was appointed on regular basis as Group D as qualifying service along with regular service and further direct to grant eligible pension under the provisions of CCS(Pension) Rules, 1972 with all monetary benefits."

2. Learned counsel for the applicant submits that the issues raised in this OA are also the subject matter of the following cases pending before the Hon'ble Supreme Court:

"SLP(C) NO. 13042/2014, C.A. NO. 8979/2014, SLP(C) NO. 979/2015, C.A. NO. 9886/2014, C.A. NO. 8674/2015, S.L.P. (C)...CC NO. 20557-20558/2015, C.A. NO. 2825/2016, C.A. NO. 5008/2016, SLP(C) NO. 16767/2016, C.A. NO. 8379/2016, C.A. NO. 10355/2016, C.A. NO. 10801/2016".

Accordingly, the applicant would be satisfied if the respondents are directed to review their Annexure A-3 communication dated 20.03.2017 in the event of the law being finally settled in favour of persons similarly placed as the applicant and pass fresh orders.

3. Learned counsel for the respondents submits that the respondents would have no objection to review their decision, should the decision of the Hon'ble Supreme court go in favour of persons similarly placed as the applicant.

4. Keeping in view the above submission, this OA is disposed of with a direction to the respondents to review their Annexure A-3 communication to the applicant in the event of the Hon'ble Supreme Court settling the law finally in favour of persons similarly placed as the applicant in the aforesaid SLPs/CAs.

5. The OA is disposed of as above.

(R.RAMANUJAM)
MEMBER (A)
05.02.2019

M.T.