

**Central Administrative Tribunal
Madras Bench**

OA 310/00784/2017

Dated Thursday the 6th day of December Two Thousand Eighteen

P R E S E N T

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

1. S.A. Venkataraman
2. G. Palanisamy
3. L. Marimuthu
4. M.V. Varadharajan
5. K. Gandhi
6. N.P. Devarajan
7. R.Periasamy

.. Applicants

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
Western Region (TN)
Coimbatore – 641 002.
4. The Superintendent of Post Offices
Dharmapuri Division
Dharmapuri – 636 701.

5. The Superintendent of Post Offices
Krishnagiri Division
Krishnagiri – 635 001.

.. 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 4th respondent pertaining to his orders made in B3/GDS Pension/dlgs dated 10.02.2017, 13.02.2017, 17.02.2017 & 02.03.2017 and set aside the same, consequent to

3. direct the respondents to grant pension to the applicants under the provisions of CCS(Pension) Rules, 1972 for the service rendered as GDS and also to pay gratuity at par with Smt. Sham Dulari to them; and

4. To pass such further or other orders”

2. It is submitted that the applicants were initially appointed as an Extra Departmental Agent now called Gramin Dak Sevak (GDS) and they have rendered more than 30 years of service. They retired/superannuated/discharged from service on attainment of 65 years of age. The Principal Bench of this Tribunal in its order dated 17.11.16 in OA 749/2015 held that Rule 6 of the GDS (C&E) Rules 2011 was not valid and the applicants therein were entitled to be paid pension as they held a Civil post. The order of the Principal Bench is under challenge before the Hon'ble Delhi High Court. Similar OAs have been disposed of by this Tribunal with a direction to the respondents to consider the claim of the applicants

in the light of the order to be passed by the Hon'ble Delhi High Court.

3. Although no reply is filed, learned Senior Standing Counsel for Central Government opposes the prayer stating that though certain cases had been disposed of by this Bench on the above lines before it was brought to its notice that the Hon'ble Madras High Court in WP 13500/2016 had, by an order dated 17.10.2016 held that the said rule was valid and the GDS would not be entitled to pension, the order of the Principal Bench must now be deemed *per incuriam* as this fact had not been brought to the notice of the Principal Bench also while passing the order in the said case.

4. A batch of cases had been considered by this Tribunal after the order of the Hon'ble Madras High Court was brought to its notice in OA No. 1139/2017 and batch and had been disposed of with the following direction:

“6. In the aforesaid background, facts and circumstances, we are of the view that these OAs could be disposed of with a direction to the respondents to reconsider the claim of the applicants for pension under CCS (Pension) Rules 1972 in the event of the law being finally settled in favour of persons similarly placed as the applicants herein with regard to their entitlement for grant of pension under the said rules. Respondents directed accordingly.”

In view of the above, I deem it appropriate to dispose of this OA with the same direction to the respondents.

(R. Ramanujam)
Member(A)
06.12.2018