

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1114/2018

Dated Tuesday, the 5th day of February, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

T. Vellaisamy

Kulathupatti BO

Palakurichi SO

Sivaganga District

Pin – 621 308.

... Applicant

By Advocate M/s R. Malaichamy

Vs

1. Union of India

Rep. by the Secretary

Ministry of Communications & I.T.,

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

Central Region (TN)

Tiruchirappalli – 620 001.

4. The Superintendent of Post Offices

Karur Division

Karur – 639 001.

... Respondents

By Advocate Mr. S. Padmanabhan

(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 dated 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 on 21.07.2004 and also count the GDS service along with regular service for grant of pension under old pension scheme, further,

3. direct the respondents to revise and re-fix the retirement service benefits of the applicant including pension and to pay the arrears of such benefits to the applicant, and

4. To pass such further or other orders as this Tribunal may deem fit and proper in the circumstances of the case."

2. It is submitted that the applicant was appointed as GDS BPM on 10.06.1978 and was promoted as Postman w.e.f 17.07.2004. He came out successful in the departmental examination for promotion to the cadre of Postman held on 04.04.2004 and was selected and appointed to the cadre of Postman after completion of successful training from 21.07.2004 to 30.07.2004. He retired from service on attainment of the age of superannuation on 30.04.2017.

3. It is alleged that the applicant was appointed as Postman against a vacancy that arose in the year 2002 as revealed by the Annexure A-1 notification. This Tribunal had in several similar cases directed the respondents to grant pension to the applicants under the CCS Pension

Rules, 1972. The order of the Tribunal had also been upheld by the Hon'ble Madras High Court in such cases.

3. Learned counsel for the applicant relies on the orders of this Tribunal in OA 1419/2014 dated 19.08.2016, OA 1508/2014 dated 23.08.2016, OA 1078/2013 dated 21.09.2016, OA 1040/2015 dated 09.09.2016, OA 1939/2014 dated 31.03.2017 & OA 1306/2014 dated 16.06.2017 granting relief to similarly placed persons. He also relies on the order of the Hon'ble Madras High Court in WP No.21193/2015 dated 01.03.2017 wherein pension was directed to be granted to a person who had been appointed against a vacancy of the year 2002-2003.

4. Learned counsel for the respondents, however, submits that the law on the subject had not attained finality as presently a SLP is pending in the Hon'ble Apex Court on whether persons appointed against pre-2004 vacancies could be granted pension under the CCS Pension Rules as also whether persons who had served for a long period as GDS before induction into Government service could be allowed to count their services for pension.

5. I have considered the submissions. This Tribunal has disposed of similar OAs with a direction to the respondents to review their decision in regard to the applicants therein in the event of the law being settled finally by the Hon'ble Apex court in favour of persons who had served as GDS for long years and/or who had been appointed against a pre-2004 vacancy for pension under the CCS Pension Rules, 1972. Accordingly, I

am of the view that this OA could also be disposed of with the following direction:

"The competent authority shall review their Annexure A-5 impugned order dated 29.06.2018 in the event of the law being finally settled in favour of persons similarly placed as the applicant with respect to the year of vacancy or counting the services rendered as GDS and pass a fresh order within a period of three months thereafter."

6. The OA is disposed of as above.

M.T.

(R.RAMANUJAM)
MEMBER (A)
05.02.2019