

CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH

Dated the Thursday 21<sup>st</sup> day of March Two Thousand And Ninteen

PRESENT:  
THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A. 310/1821/2016

Kotteshwariamma,  
W/o. Subbarao,  
No.J22, P&T Quarters,  
Vyasar Nagar,  
Chennai- 600 039.

...Applicant

(By Advocate: M/s. R. Malaichamy)

Versus

1. Union of India Rep. by the  
Secretary,  
Ministry of Personnel, Public Grievances and Pensions,  
Department of Pension and Pensioner's Welfare,  
3<sup>rd</sup> Floor, Lok Nayak Bhavan,  
Khan Market,  
New Delhi- 110 003;
2. The Secretary,  
Ministry of Communications & IT,  
Department of Posts,  
Dak Bhavan,  
Sansad Marg,  
New Delhi- 110 011;
3. The Chief Postmaster General,  
Tamil Nadu Circle,  
Anna Salai,  
Chennai- 600 002;
4. The General Manager,  
Postal Accounts & Finance,  
Tamil Nadu Circle,  
No.4, Ethiraj Salai,  
Chennai- 600 008.

...Respondents

(By Advocate: M/s. C. Kulanthaivel)

**ORAL ORDER**

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

This OA has been filed by the applicant seeking the following reliefs:-

- "i) to call the records of the 4<sup>th</sup> Respondent pertaining to his order which is made in No. 1279/Admn, EAVII/Misc dated 22.08.2016 and set aside the same, consequent to;
- ii) direct the respondents to count half of the service rendered in Mazdoor cadre by the applicant from 18.01.1995 to 08.08.2011 and grant all service benefits by treating the service of the applicant under old pension scheme; and further
- iii) direct the 4<sup>th</sup> respondent to refund the amount of contribution being recovered under new pension scheme from his pay."

2. When the matter is called, learned counsel for the applicant produces a copy of the order passed by the Tribunal in O.A. 1745/2016 dated 22.01.2019 and submits that the applicant is identically placed and, therefore, a similar order be passed in this OA as well.

3. Learned counsel for the respondents does not dispute that the applicant is similarly placed.

4. In view of the above, this OA is disposed of with a direction to the respondents to review the impugned order Annexure A/10 dated 22.08.2016 whereby the applicant's request to be brought under the Old Pension Scheme was rejected and pass a reasoned and speaking order in the light of the order dated 29.11.2010 of the third respondent sanctioning HRA and CCA to the applicant. Since such

order appears to have been issued in pursuance of the order in OA No. 1145/2010, it would also be appropriate for the respondents to keep in view the observations and findings if any recorded therein by the Tribunal with regard to the nature of the applicant's employment during the period 01.01.1996 to 17.12.2008/31.08.2008 while passing such reasoned order. This exercise shall be completed within a period of three months from the date of receipt of copy of this order.

5. OA is disposed of as above. No costs."

(R. RAMANUJAM)  
MEMBER (A)

21.03.2019

Asvs.