

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.201/2019

Dated Tuesday, the 26th day of February, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

M.Manickavasagam,

S/o.T.Munusamy,

D.No.3/405A, Old Quarters,

Siddeswara Nagar, Oddapatti,

Dharmapuri

...Applicant

By Advocate M/s.S.RamaswamyRajaraman

Vs.

1.Union of India, Rep., by

The Secretary, Department of Posts,

Dak Bhavan, Parliament Street,

New Delhi 110 001.

2.The Chief Postmaster General,

Tamilnadu 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.

...Respondents

By Advocate Mr.C.Kulanthaivel

(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:

“(i)To quash the impugned order No.ASP/OA490/2018 dated 24.08.2018 passed by the 4th respondent.

(ii)To direct the respondents to grant pensionary benefits to the applicant taking into account the 5/8th of the period spent by him as Gramin Dak Sevak, with all consequential benefits and

(iii)To pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case with cost.”

2. It is submitted that the applicant was initially appointed as GDS in the year 1982 and after rendering 27 years of service retired from service on 31.04.2009 on attaining the age of superannuation. The applicant made a representation dated 01.03.2017 for counting 5/8th of the period spent as GDS for pension purposes in the light of the order of the Principal Bench in **OA 749/2015 dated 17.11.2016 in the case of VINOD KUMAR SAXENA AND OTHERS VS. UNION OF INDIA, M/O COMMUNICATIONS**. The applicant's representation was rejected by Annexure A-3 order dated 24.08.2018 on the ground that the respondents had moved the Hon'ble Delhi High court in WP No.832/2018, 834/2018 & 835/2018 against the orders of the Principal Bench of this Tribunal in the said OA and the matter is pending.

3. Mr.C.Kulanthaivel takes notice on behalf of the respondents.

4. Similar matters had been considered by this Tribunal in other OAs. It was also given to understand that the issue is also pending before the Hon'ble Apex court in SLPs No.16767/2016 & 18460/2015. Accordingly, a direction has been issued to the respondents to review the case of the applicant(s) therein in the event of the Hon'ble Apex court upholding the order of the Principal Bench of this Tribunal.

5. In view of the above, this OA is disposed of with a direction to the respondents to review their decision conveyed by order dated 24.08.2018 in the case of the applicant in the event of the Hon'ble Apex court upholding the law in favour of persons similarly placed as the applicant.

6. OA is disposed of as above.

(R.RAMANUJAM)
MEMBER (A)
26.02.2019

M.T.