

**CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH**

Dated the Thursday 21st day of February Two Thousand And Nineteen

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

O.A. 310/1144/2017

P.R. Rajendran,
Aged 50 years,
S/o. A. Rangasamy,
No. 2/75, North Street,
Pilakurichi,
Variyankaval SO- 621 806.Applicant

(By Advocate: Mr. S. Ramaswamyrajarajan)

Versus

1. Union of India Rep. by
The Chief Postmaster General,
Tamilnadu Circle,
Chennai- 600 002;

2. The Superintendent of Post Offices,
Tiruchirapalli Division,
Tiruchirapalli- 620 001.Respondents

(By Advocate: Mr. Su. Srinivasan)

ORAL ORDER

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

Applicant has filed this OA seeking the following relief:-

“to direct the respondent to bring the applicant under Old Pension Scheme taking into account the year of vacancy to the Postman Cadre i.e. vacancy year 2002, to grant retirement/pensionary benefits.”

2. Learned counsel for the applicant would submit that the applicant was appointed as Postman in the year 2004 against the vacancies that arose in the year 2002 and this fact had been admitted at para 4.2 of the reply filed by the respondents. Accordingly, the applicant was entitled to benefits granted to similarly placed persons in whose cases a direction had been given to the respondents to grant them pension under CCS (Pension) Rules 1972 notwithstanding the introduction of the New Pension Scheme with effect from 01.01.2004 for the reason that the delay in recruitment was not attributable to the applicants therein.
3. Learned counsel for the applicant seeks to rely on the order passed by this Tribunal in O.A. 1300/2016 dated 14.12.2017 and order passed by the Hon'ble Madras High Court in W.P. No. 21193 of 2015 dated 01.03.2017 wherein it was observed that the petitioner therein was entitled to be brought under CCS (Pension) Rules as existed before 1.1.2004 since admittedly the selection was initiated much before 1.1.2004 for the vacancy of the year 2003-2004 and the selection was made by proceedings dated 30.12.2003.
4. Learned counsel for the respondents would however oppose the prayer stating that although the applicant participated in an examination

which was held in 2004 for the vacancies of the year 2002, it could not automatically lead to the inference that if the examination would have been conducted in the year 2002 itself, the applicant would have been selected and consequently benefitted from the application of CCS (Pension) Rules 1972. As a matter of fact, the applicant who was appointed as GDS on 06.11.1997, had not completed the requisite qualifying service of 5 years as on 1.1.2002 to be eligible for the vacancies of year 2002. However, in reply to a specific query whether vacancies notified in 2004 for which selection process was commenced in that year included the 2003 vacancies, the learned standing counsel submits that he would have to ascertain the facts from the respondents.

5. As for the orders passed by this Tribunal granting relief to similarly placed persons as the applicant, learned counsel for the respondents would draw attention to the interim stay granted by the Hon'ble Madras High Court in W.P. No.29495/2018 dated 13.11.2018 of the order passed by this Tribunal in OA 1939/2014 dated 31.3.2017. As the Hon'ble High Court is seized of the matter, the issue of law has not attained finality, it is contended. Learned standing counsel further draws attention to Annexure -A/4 representation of the applicant dated 15.12.2016 and seeks leave of the court to pass a reasoned and speaking order thereon.

6. Keeping in view the above submission as also the fact that the information whether vacancies notified in 2004 included the 2003 vacancies is not readily available and the reliance placed by the counsel for the applicant on the order passed by the Hon'ble Madras High Court in W.P No. 21193/2015 dated 1.3.2017, I deem it appropriate to dispose of

this OA with liberty to the applicant to further supplement his Annexure-A/4 representation dated 15.12.2016 with judicial precedents in similar cases within a period of two weeks from the date of receipt of copy of this order. If such supplements are received within the given time limit, the competent authority shall consider the Annexure-A/4 representation dated 15.12.2016 along therewith and without it otherwise, in accordance with law and pass a reasoned and speaking order within a period of three months thereafter. OA. is disposed of accordingly. There shall be no order as to costs.

(R. RAMANUJAM)
MEMBER (A)

Asvs.

21.2.2019