

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01502/2016

Dated Tuesday the 21st day of August Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

S.Muralidharan,
1, KGK Street,
Kumbakonam 612001,
Thanjavur District.Applicant

By Advocate M/s. P. Rajendran

Vs

- 1.The Union of India rep by the Director,
General of Posts, Dak Bhavan, New Delhi.
- 2.The Chief Postmaster General,
Tamil Nadu Circle, Chennai 600002.
- 3.The Superintendent of Post Offices,
Kumbakonam Division,
Kumbakonam 612001.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 relief :

"To direct the respondents to apply the old pension scheme (Defined Benefit Pension Scheme) to the applicant and refrain from applying the new pension scheme (Defined Contribution Pension Scheme) and grant him all consequential benefits including the refund of the amounts deducted from his monthly salary towards contribution under the new pension scheme and render justice."

2. It is submitted that the applicant was initially appointed as Extra Departmental Agent (EDA) in the year 1994. He appeared in the departmental test held on 27.10.2002 for promotion to the post of Postman against departmental quota in the Kumbakonam division. However, the results were declared in the Kumbakonam division only in 2004 whereas in other divisions, results were declared in the year 2003 itself. All the selected candidates joined duty immediately thereafter. The applicant was sent for training from 12.01.2004 and 21.01.2004 and on successful completion completion of training, he was posted as Postman on 22.01.2004.

3. Learned counsel for the applicant would submit that the applicant appeared in the examination for appointment as Postman in the year 2002 itself and was in no way responsible for the delay that occurred in appointing him to the post. In the meantime, the New Pension Scheme (NPS) was introduced w.e.f 01.01.2004. As the

applicant had appeared in the same examination as several other candidates who were appointed in the year 2003 itself and who are being granted the benefit of pension under the CCS Pension Rules, 1972, the applicant could not be discriminated against, it is contended. The applicant seeks to rely on the order of the Ernakulam Bench of this Tribunal in OA 324/2013, dt. 11.02.2016 to buttress his claim.

4. Learned counsel for the respondents would, however, submit that the applicant was clearly appointed after 01.01.2004 and, therefore, in terms of the relevant rules, he would be covered by the NPS only. As the facts in the case are not in dispute and the applicant entered service after 01.01.2004, there was no question of granting pension under the CCS Pension Rules, 1972.

5. I have considered the pleadings and submissions. It is not in dispute that the applicant appeared in the same examination as several others in other divisions on 27.10.2002 and the selected candidates in the other divisions had been appointed in the year 2003 itself, thereby entitling them to the benefit of pension under the CCS Pension Rules, 1972. The reasons for delay in Kumbakonam division have neither been explained nor justified. Clearly, the delay occurred for no fault of the applicant and, therefore, any adverse consequences of the delay could not be allowed to visit the applicant. The respondents could not

hold the lapse on their own part to deny the benefit, otherwise legitimately due to the applicant.

6. In view of the above, the OA is allowed. The respondents shall treat the applicant as eligible under the CCS Pension Rules, 1972 and grant him the consequential benefits. Necessary orders shall be passed within a period of two months from the date of receipt of a copy of this order. No costs.

**(R. Ramanujam)
Member(A)
21.08.2018**

SKSI