

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.310/00321/2019
with
M.A.No.310/00133/2019(LTJ)

Dated Wednesday the 13th Day of March 2019.

PRESENT

**Hon'ble Mr. P. MADHAVAN, MEMBER (J)
Hon'ble Mr. T. JACOB, MEMBER (A)**

1. R.Rajendran, Son of K. Raju aged 52 years, residing at No.4, 13th Lane, NGO Colony, Rangasamudram, Sathyamangalam, Erode District, working as Postman, Sathyamangalam.
2. S. Arumugam, Son of L. Subramani, aged 57 years, residing at No.3/334, Puduvadavalli PO, Sathy Via, Erode District 638401, working as Postman, Bhavanisagar SO.
3. N. Prakash, Son of T.Nanjee Gowder, aged 41 years, residing at No.5/284, Ambakikarai, Thottam, Bannari, Sathyamangalam, Erode, working as Postman/Mail Overseer, Sathyamangalam SO.
4. K. Mohana Devi, Wife of N.S. Boopathi, aged 35 years, residing at 3/33, Akkarai Negamam, Koinamalai Post, Rangasamudram, Sathyamangalam, Erode District, working as Postal Assistant, Chennai GPO.
5. E. Chinnadurai, Son of Late Easwara Goder, aged 58 years, residing at No.6/118, A, Mongapalayam, Therapalayam P.O., Pogalur Via, Erode District, working as Postman, Mettupalayam HO.
6. A.C. Palanisamy, Son of Chinnan, aged 57 years, residing at No.49, Upputhottam, Avinasi Road, Annur 641 653, working as Postman, P. Puliampatti SO.
7. K. Sundaramoorthy, Son of Kumaran, aged 56 years, residing at No.7/41, Govindaboyan Street, Karamadai SO, working as Postman, Mettupalayam HO.
8. T. Jeevitha, Daughter of P. Thangavelsamy, aged 31 years, residing at No.157/B, Postal Staff Quarters, Karamadai Road, Mettupalayam 641 301, Coimbatore District, working as Postal Assistant, Mettupalayam HO.

9. N. Kalisamy, Spo of P. Nataraj,
aged 38 years, residing at No.4/546,
Arivoli Nagar, Seeliyur 64113, Coimbatore,
working as Postman, Mahadevapuram SO.
10. S. Senthil Kumar, Son of T.M. Senniyappan,
aged 40 years, residing at No.36/1, Kakkapalayam,
Sokkapalayam PO, Annur Via, Coimbatore – 641 653,
working as Postal Assistant, Anna Road HO.

... **Applicants**

(By Advocates M/s P. Rajendran)

vs.

1. The Union of India represented by the Director,
General Posts, Dak Bhavan, New Delhi.
2. The Chief Post Master General,
Tamil Nadu Circle, Chennai 600 002.
3. The Superintendent of Post Offices,
Nilgiris Division, Udagamandalam 643 001.

... **Respondents**

(By Mr.Su.Srinivasan, Advocate for the respondents)

Order: Pronounced by Hon'ble Mr.P. Madhavan Member (J)

M.A. No.310/133/2019 (LT) is heard and allowed. Registry to Number the O.A.

2. Shri Srinivasan learned Standing counsel for the respondents takes notice.
3. Learned counsel for the applicant is heard.
4. This O.A. has been filed for seeking the following reliefs:

"To call for the records relating to the impugned Order of the third respondent issued in Memo No. B2/OA1311/2014/DI dated at Tiruppur 641601 the 21.2.2018 and quash the same and direct the respondents to refrain from applying the New Pension Scheme (New Defined Contribution Pension Scheme) to them but to apply the Old Pension Scheme (Defined Benefit Pension Scheme) and count the service rendered in the post of GDS for the purpose of computing the qualifying service for Pension and grant them all consequential benefits and Render Justice."

5. Learned counsel for the applicant submits that a similar matter is pending before the Hon'ble Supreme Court in SLP and the law, will attain finality by the decision of Hon'ble Supreme Court.
6. Learned Counsel for the applicant submits that he is ready to wait till the finality is attained to the question of law involved in this case and the applicant will be satisfied if the respondents considers his case in accordance with the law laid down by the Apex Court in the SLPs No. 16767/2016 and 18460/2015)

Hence the O.A. is disposed of with the direction to consider the representation of the applicant in the light of the order of the Hon'ble Supreme Court if it goes in favour of the applicant.

7. In view of the limited relief sought and in view of the fact that the law has not attained finality as S.L.P. is pending, we hereby direct the respondents to consider the case of the applicant in the light o the law laid down by the Court on disposal of the SLP and pass appropriate orders.

8. O.A. is disposed of accordingly. M.A. Stands allowed.

(Mr. T. Jacob)
Member (A)

(P. Madhavan)
Member (J)

sj*