

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00777/2019

Dated Tuesday the 9th day of July Two Thousand Nineteen

**CORAM : HON'BLE MR. P. MADHAVAN, Member (J)
HON'BLE MR. T. JACOB, Member (A)**

R.Radhakrishnan,
S/o. Rathinavelu,
No. 481A, Anna Street,
Thiruvenkatapuram,
Ponneri 601204.

....Applicant

By Advocate M/s. R. Malaichamy

Vs

1.Union of India,
rep by the Secretary,
Ministry of Communications,
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi 110001.

2.The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai,
Chennai 600002.

3.The Postmaster General,
Chennai City Region,
Chennai 600001.

4.The Chief Postmaster,
Chennai GPO,
Chennai 600001.Respondents

By Advocate Mr. J. Vasu

ORAL ORDER

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

The applicant has filed this OA seeking the following reliefs :

"1. Direct the respondents to count the period of year of vacancy against which the applicant was appointed as Postman/the service rendered in GDS cadre and thereby to bring the service of the applicant under old pension scheme, within the purview of CCS (Pension) Rules 1972 and further,

2. direct the respondents to refund the amount of subscription being recovered from his pay and allowances towards new pension scheme and

3. To pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

2. It is submitted that the applicant made a representation dt. 06.06.2018 for grant of terminal benefits including pension for the service rendered as Postman by considering the year of vacancy ie, 2003 against which he was appointed as Postman. When the matter is taken up for hearing, learned counsel for the applicant submits that this case is similar to OA 317/2018 which was disposed of by order dt. 17.12.2018. Accordingly, it is submitted that a similar order could be passed in this OA.

3. Learned counsel for the respondents has no objection to the same.

4. On perusal, it is seen that the OA 317/2018 was disposed of with the following direction :-

"In the event of the Hon'ble Apex Court upholding the order of this Tribunal to the effect that persons appointed against pre-2004 vacancies should be considered eligible for pension under the CCS (Pension) Rules, 1972, the competent authority shall review the impugned order dt. 23.01.2018 within a period of two months thereafter with a view to passing fresh orders. The authority shall examine whether the applicant was appointed against a 2002 vacancy and if so, treat him similar to other persons who had been so appointed against pre-2004 vacancies and benefitted from court orders."

5. Accordingly, in the event of the Hon'ble Apex Court upholding the order of this Tribunal to the effect that persons appointed against pre-2004 vacancies should be considered eligible for pension under the CCS (Pension) Rules, 1972, the competent authority shall consider the representation of the applicant dt. 06.06.2018 (Annexure A3) and pass a reasoned and speaking order within a period of two months thereafter. The authority shall examine whether the applicant was appointed against a 2003 vacancy and if so, treat him similar to other persons who had been so appointed against pre-2004 vacancies and benefitted from court orders.

6. OA is disposed of. No costs.

(T.Jacob)
Member(A)

(P. Madhavan)
Member(J)

09.07.2019

SKSI