

**Central Administrative Tribunal
Madras Bench**

OA 310/01022/2019

Dated Wednesday the 31st day of July Two Thousand Nineteen

P R E S E N T

**Hon'ble Shri. P. Madhavan, Member (J)
&
Hon'ble Shri. T. Jacob, Member (A)**

N. Theerthagiri
No. 3/235, Paraiyapatti Post
Harur Taluk
Dharmapuri – 635 305. ... Applicant

By Advocate **M/s. R. Malaichamy**

1. Union of India
Rep. by the Secretary
Ministry of Communications and IT
Department of Posts
Dak Bhavan, Sansad Marg
New Delhi – 110 001.

2. The Chief Postmaster General
Tamil Nadu 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. Su. Srinivasan**

ORAL ORDER

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

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- “1. To declare Rule 6 of GDS (C&E) Rules 2011 as null and void and violative of Articles 14, 16 and 21 of Constitution of India
- 2. To direct the respondents to grant pension to the applicant under the provisions of CCS(Pension) Rules, 1972 for the service rendered about 37 years as GDS; and
- 3. To pass such further or other orders”

2. The applicant in this OA seeks to be covered by the CCS (Pension) Rules, 1972 instead of the New Pension Scheme.

3. Learned counsel for the applicant would submit that the applicant is similarly placed as those in OA 1139/2017 and batch as also OA 1093/2017 decided by the Madras Bench of this Tribunal dated 28.11.2018 and 11.12.2018 respectively and order passed by CAT, Principal Bench in OA 749/2015 and urge that a similar order may be passed in this case.

4. Learned counsel for the respondents has no objections in passing similar order. But he submits that the decision will be taken subject to the Writ Petitions No. 832/2018, 834/2018 and 835/2018 pending before the Hon'ble High Court of Delhi. The applicant has no objection in disposing the OA subject to the outcome of the various writ petitions pending and law attaining finality.

5. Keeping in view the above submission, this OA is disposed of with the following direction:

“The respondents are directed to reconsider the representation of the applicant dt. 20.05.2019 for pension under CCS (Pension) Rules 1972 in the event of the law being finally settled in favour of persons similarly placed as the applicants herein with regard to their entitlement for grant of pension under the said rules.”

(T. Jacob)
Member(A)
AS

31.07.2019

(P. Madhavan)
Member (J)