

**Central Administrative Tribunal
Madras Bench**

OA 310/01644/2017

Dated Friday the 21st day of June Two Thousand Nineteen

P R E S E N T

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

P. Rajendran
MTS HRO RMS, MA Division
Madurai 625 001.

... Applicant

By Advocate M/s. P. Rajendran

Vs.

1. Union of India, rep. by
Chief Postmaster General
Office of the Chief Postmaster General
Chennai – 600 002.

2. The Senior Superintendent of Raiway Mail Services
RMS MA Division
Madurai – 625 001. ... Respondents

By Advocate Mr. M. Kishore Kumar

ORAL ORDER

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

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

“To set aside Memo No. B2/Rectt/Gr-D/08 dated 13.03.2017 issued by the 2nd respondent and consequently direct the respondents to include him under Old Pension Scheme in terms of CCS (Pension) Rules, 1972 after considering both the GDS and MTS service and pass such other orders as are necessary”

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. 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 claim of the applicant 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

21.06.2019

(P. Madhavan)
Member (J)