

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00476/2019

Dated Wednesday the 3rd day of April Two Thousand Nineteen

**CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

D. Pappathi
Postwoman
Peelamedu SO
Coimbatore – 641 004.

... Applicant

By Advocate M/s S Arun

Vs

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

2. The Senior Superintendent of Post Offices
Coimbatore Division
Coimbatore – 641 001.

... Respondents

By Advocate Mr. Su. Srinivasan

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA seeking the following relief :

"To set aside Memo No. OA No. 90/2015/NPS dated 22.02.2018 passed by the 2nd respondent and consequently direct the respondents not to recover any amount from applicant toward subscription to New Pension Scheme besides directing to induct applicant under Old Pension Scheme in terms of CCS (Pension) Rules, 1972 after considering his entire Gramin Dak Sevak service for the purpose of pension calculation and pass such other orders as are necessary to meet the ends of justice."

2. The applicant is aggrieved by Annexure A4 order dt. 22.02.2018 in pursuance of the order dt. 13.01.2017 of this Tribunal in OA 90/2015 whereby her request for counting the service rendered under the GDS cadre for pension under the CCS (Pension) Rules, 1972 had been turned down on the ground that the law on the subject had not attained finality as the order passed by Principal Bench of this Tribunal in OAs 749, 3540 & 613/2015 dt. 17.11.2016 had been challenged before the Hon'ble Delhi High Court in WPs No. 832/2018, 834/2018 & 835/2018.

3. Learned counsel for the applicant would submit that in similar cases, this Tribunal had directed the respondents to review their order in the event of the Hon'ble Delhi High Court upholding the order of the Principal Bench in the aforesaid cases. The applicant would be satisfied if a similar order would be passed in this case.

4. It is further submitted that similar matters are pending before the Hon'ble Apex Court in SLPs No. 13042/2014.

5. Mr. Su. Srinivasan, SCGSC takes notice for the respondents and submits that the order of the Principal Bench in the aforesaid cases was *per incuriam* as the order passed already by the Hon'ble Madras High Court in WP No. 13500/2016 had not been brought to the notice of the Principal Bench while disposing of the aforesaid OAs.

6. In view of the above submission, we deem it appropriate to dispose of this OA with a direction to the competent authority to review their Annexure A4 order dt. 22.02.2018 in the event of Hon'ble Apex Court finally settling the law in favour of the persons similarly placed as the applicant herein within a period of three months thereafter.

7. OA is disposed of at the admission stage.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

03.04.2019

SKSI