

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

MA/310/00211/2019 in & OA/310/00477/2019

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)**

1. A.R. Venkatesan
2. P. Churchill
3. N. Panchatcharam
4. A.L. Devagi
5. K. Panneerselvam
6. B. Rameshu
7. N. Dhandapani
8. K. Rajesh
9. M. Annamalai
10. T. Selvam (Smt)
11. S. Chokkalingam
12. S. Vijayan
13. P. Karthik
14. S. Pichandi
15. G. Parthiban
16. R. Annamalai
17. C. Govindan
18. S. Nethaji
19. P. Balamurugan
20. S. Sundaramoorthy
21. T. Karthikeyan
22. G. Sampath
23. P. Ravi
24. A. Kalaivani
25. K. Krishnamoorthy
26. V.M. Subramani
27. N. Swaminathan
28. K. Venugopal
29. A. Nagarajan

... Applicants

By Advocate M/s P. Rajendran

Vs

The Union of India represented by the
Superintendent of Post Offices
Tirupattur Division
Tirupattur Division – 635 601.

... Respondent

By Advocate Mr. Su. Srinivasan

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

Heard. MA filed by the applicants for joining together to file a single OA is allowed.

2. The applicants have filed this OA seeking the following relief :

"To call for the records relating to the impugned order of the respondent issued in Memo No. B2/OA 1109/2015 dated at Tirupattur 635 601 the 21.03.2018 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."

3. The applicants are aggrieved by Annexure A2 order dt. 21.02.2018 in pursuance of the order dt. 13.01.2017 of this Tribunal in OA 1109/2015 whereby the applicants' request for counting their 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 is pending before the Hon'ble Delhi High Court in WPs No. 832/2018, 834/2018 & 835/2018.

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

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

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 A2 order dt. 21.02.2018 in the event of Hon'ble Apex Court finally settling the law in favour of the persons similarly placed as the applicants in the said SLP or otherwise 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