

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00478/2019

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)**

R. Chandrasekar
No. 6/5, Keelaveethi
Nachiayarkoil
Kumbakonam Taluk
Thanjavur – 612 602.

... Applicant

By Advocate M/s R Malaichamy

Vs

1. Union of India
Rep. by the Secretary
Ministry of Communications & 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
Central Region (TN)
Trichy – 620 001.

4. The Superintendent of Post Offices
Kumbakonam Division
Kumbakonam – 612 001. ... 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 reliefs :

"1. To call for the records of the 4th respondent pertaining to his orders which is made in (1) Memo No:B2/OA-310/00813/2017 dated 18.05.2018 and (2) B2/PM/MTS dated (2) 11.09.2018 and set aside the same, consequent to

2. direct the respondents to count the period of year of vacancy 2003 & 2004 against which he was appointed as Postman and/or to count the entire service rendered in GDS cadre along with regular service and thereby to treat his service under old pension scheme and to open GPF Account after closing CPF Account; also to,

3. direct the respondents to refund the amount to the applicant which is being recovered from the applicant's pay and allowances towards new pension scheme; and'

4. To pass such further or other orders."

2. Learned counsel for the applicant produces a copy of the order of this Tribunal in OA 317/2018 dt. 17.12.2018 and submits that the applicant, being similarly placed would be satisfied, if a similar order is passed in this case.

3. Mr. Su. Srinivasan, SCGSC takes notice for the respondents and submits that the respondents would have no objection if a similar order is passed as in OA 317/2018.

4. Keeping in view the above submission, the OA is 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 their impugned communications dt.

18.05.2018 and 11.09.2018 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 2003 & 2004 vacancy and if so, treat him similar to other persons who had been so appointed against pre-2004 vacancies and benefited from court orders. Similar action shall be taken if the law is finally settled in favour of persons similarly placed as the applicant for counting service rendered as GDS as qualifying for pension under the CCS (Pension) Rules, 1972.”

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

03.04.2019

SKSI