

CENTRAL ADMINISTRATIVE TRIBUNAL  
MADRAS BENCH

Dated the Thursday 11<sup>th</sup> day of April Two Thousand And Nineteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A. 310/533/2019

G. Sowrirajan,  
S/o. Govindasamy,  
No.3/84A, North Street,  
Tirupugalur Village & Post,  
Nagapattinam Taluk & District,  
PIN- 609 704.

...Applicant

(By Advocate: M/s. R. Malaichamy)  
Versus

- 1) Union of India Rep. by  
The Secretary,  
Ministry of Communications & I.T.,  
Department of Posts,  
Dak Bhavan, Sansad Marg,  
New Delhi- 110 001;
- 2) The Chief Post Master General,  
Tamil Nadu Circle,  
Anna Salai,  
Chennai- 600 002;
- 3) The Director of Postal Services,  
Tiruchy Region,  
Tiruchirappalli- 620 001;
- 4) The Assistant Director,  
O/o. the Director of Postal Services,  
Tiruchy Region,  
Tiruchirappalli- 620 001;
- 5) The Superintendent of Post Offices,  
Nagapattinam Division,  
Nagapattinam- 611 001. ....Respondents

(By Advocate: Mr. Su. Srinivasan)

**ORAL ORDER**

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

Heard. Applicant has filed this O.A. seeking the following reliefs:-

- i) To call for the records of the 2<sup>nd</sup> respondent pertaining to his order which is made in Memo No. REP/82-OA/826/2018/CR dated 20.02.2019 and set aside the same; consequent to
- ii) direct the respondents to treat the period of year of vacancy 1987 till he was appointed as Group D through competitive examination earmarked for physically handicapped person of GDS officials and also count 50% GDS service as per the judgment in the case of Narashima Raju for the purpose of grant of terminal benefits and pension to him, consequently;
- iii) direct the respondents to revise and refix the retirement service benefits of the applicant including pension and to pay the arrears of such benefits to the applicant."

2. The case of the applicant is that he was initially appointed as EDDA (Extra Departmental Delivery Agent) now known as GDS, Tiruppugalur BO w.e.f. 13.06.1967. The competent authority conducted an examination on 10.01.1988 and 08.11.1987 for recruitment of physically handicapped persons for Group C and Group D posts for vacancies of the year 1987 though the said vacancies were backlog vacancies from the year 1981 onwards. The applicant was selected as Group D against a vacancy earmarked for Ortho Handicapped GDS for the vacancy year 1987 by memo dated 16.12.1988. The 5<sup>th</sup> respondent issued order dated 19.12.1988 directing the applicant to

work as Group D on provisional basis till regular appointment was issued at Nagapattinam Sub-Division. Thereafter, by an order dated 27/31.07.1990 of Sub Divisional Inspector (P), Karaikal, he was posted as Group D at Nedungadu SO against a clear vacancy. He was working continuously as Group D and retired from service on 30.04.2006 on superannuation.

3. It is stated that the applicant who rendered a service of 20 years till 1987 as GDS also rendered officiating service in Group D cadre from 1987 to 26.07.1990 before regular appointment in Group-D. Applicant made a representation dated 08.08.2017 in support of his claim for terminal benefits with his length of service being counted from the year of vacancy 1987 and requested to revise and refix his retirement service benefits including pension. Since there was no reply from the respondents, he filed OA 826/2018 which was disposed of by an order dated 03.07.2018 directing the respondents to pass orders. In compliance with the order of the Tribunal, the respondents, by impugned order dated 20.02.2019 rejected the claim of the applicant.

4. It is alleged that the applicant was entitled to count the 50% GDS Service along with regular service for grant of pension as per the judgment of the Hon'ble High Court of Madras in W.P. (MD) No. 16687 of 2012 dated 14.3.2017 as confirmed by the Hon'ble Supreme Court of India in S.L.P. (Civil) Diary No. (S) 14116/2018 dated 12.11.2018. Relying essentially on this judicial precedent, he has filed the instant OA seeking the aforesaid relief.

5. Mr. Su. Sinivasan, Learned Sr. Standing Counsel for the Central Government takes notice on behalf of the respondents and submits that

notwithstanding the summary dismissal of some SLPs by the Hon'ble Supreme Court, the law on the subject had not attained finality as the Hon'ble Apex Court is seized of the matter in other SLPs. Accordingly, no relief could be granted to the applicant as the precedents relied upon by him must be regarded as orders in personam.

6. Learned counsel for the applicant submits that in a similar case in W.P. No. 26212 of 2011, Hon'ble Madras High Court, by an order dated 06.09.2012 directed payment of pension in respect of the applicant therein and, therefore, the applicant herein is also entitled to pension, being a similarly placed person. However, as it is submitted that the matter of eligibility of GDS to count the GDS service for the purpose of Pension under the CCS(Pension)Rules 1972 is pending before the Hon'ble Apex Court in SLPs No. 16767/2016 and 18460/2015, the applicant would be satisfied if the respondents are directed to review the impugned order in accordance with the law to be laid down by the Hon'ble Apex Court in the pending cases.

7. I have considered the matter. This Tribunal in similar cases has disposed of the OAs with a direction to the respondents to review their decision in regard to the applicants therein in the event of the law being settled finally by the Hon'ble Apex Court in favour of persons who had served as GDS for long years for pension under the CCS Pension Rules, 1972. Accordingly, I am of the view that this OA could also be disposed of with the following direction:

"The competent authority shall review the case of the applicant's husband in the event of the law being finally settled in favour of persons similarly placed as him to count GDS services for pension and pass a fresh order within a period of three months thereafter."

8. The OA is disposed of as above. No costs.