

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1797/2016

Dated Tuesday, the 19th day of March, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

N.Munusamy,

S/o.S.Neelakandan,

No.27/13-A, 11th Street,

Ashok Nagar, Chennai 600 083

...Applicant

By Advocate M/s R. Malaichamy

Vs.

1. Union of India rep. by

The Secretary

Ministry of Personnel

Public Grievances and Pensions

Department of Pension and

Pensioners Welfare

3rd Floor, Lok Nayak Bhavan

Khan Market, New Delhi – 110 003.

2. The Secretary

Ministry of Communications & IT

Department of Posts

Dak Bhavan, Sansad Marg

New Delhi – 110 011.

3. The Chief Postmaster General

Tamil Nadu Circle

Anna Salai

Chennai – 600 002.

4. The General Manager

Postal Accounts & Finance

Tamil Nadu Circle

No. 4, Ethiraj Salai

Chennai- 600 008.

...Respondents

By Advocate Mr.J.Vasu

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

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

“i. To call for the records of the 4th respondent pertaining to his order which is made in No. 1278/Admn, EAVII/Misc. Dated 22.08.2016 and set aside the same, consequent to;

ii. direct the respondents to count half of the service rendered in Mazdoor cadre by the applicant from 07.10.1993 to 08.08.2011 and grant all service benefits by treating the service of the applicant under old pension scheme; and further

iii. iii. direct the 4th respondent to refund the amount of contribution being recovered under new pension scheme from his pay; and

iv. To pass such further or other orders as this Hon'ble Court may deem fit and proper.”

2. When the matter is called, learned counsel for the applicant produces a copy of the order of this Tribunal in OA 1745/2016 dated 22.01.2019 and submits that the applicant herein is identically placed and his grievance also arose from the same sequence of events. Accordingly, the applicant would be satisfied if a similar order is passed in this OA as well.

3. Learned counsel for the respondents does not dispute that the applicant is similarly placed as the one in OA 1745/2016.

4. On perusal, it is seen that the operative portion of the order dated

22.01.2019 in the aforesaid OA was as follows:

“..... It appears that the applicant is relying on the aforesaid document for the first time at the time of arguments before this Tribunal. It had not been attached as a supporting evidence for his claim that he worked as a full time Casual Labourer. It is submitted that the applicant could obtain a copy of this document only recently through the service union. However, if the document is true and the applicant had indeed been sanctioned HRA & CCA either on court orders or otherwise, it is bound to lend strength to the applicant's contention that he was a full time Casual Labourer. Accordingly, I am of the view that the ends of justice would be met in this case if the respondents are directed to review the impugned Annexure A-10 order dated 22.08.2016 whereby the applicant's request to be brought under Old Pension Scheme was rejected and pass a reasoned and speaking order in the light of the order dated 29.11.2010 sanctioning HRA & CCA to the applicant. Since it appears to have been issued in pursuance of the orders of the Tribunal in OA 1145/2010, it would also be appropriate for the respondents to keep in view the observations and findings if any recorded therein by the Tribunal with regard to the nature of the applicant's employment during the period 01.01.1996 to 17.12.2008/31.08.2008 as the case may be while passing such reasoned order. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order.”

5. Keeping in view the submissions made by the rival counsel, this OA is also disposed of with a direction to the respondents on the same lines as above.

(R.RAMANUJAM)
MEMBER (A)
19.03.2019

M.T.