

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 4th day of April Two Thousand And Ninteen

PRESENT:

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

OA.310/1822/2016

G. Ellappan,
S/o. K. Gopal,
No24/25, Navalar Street,
Rani Annanagar,
Arumbakkam,
Chennai-600 106.

....Applicant

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

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: Ms. Shakila Anand)

ORAL ORDER

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

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

"i) to call for the records of the 4th respondent pertaining to his order which is made in No.1275/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 07.04.1995 to 08.08.2011 and grant all service benefits by treating the service of the applicant under old pension scheme; and further

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."

3. 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 is similarly placed as the applicant therein. Accordingly, the applicant would be satisfied if he is granted the same benefit.

4. Learned counsel for the respondents does not dispute the similarity of the applicant's claim.



5. On perusal, it is seen that this Tribunal in the aforesaid OA had directed the respondents to review their decision whereby the applicant's request to be brought under the CCS (Pension) Rules 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 appeared to have been issued in pursuance of the orders of the Tribunal in OA 1145/2010, it was also observed that it would 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 from the date of initial engagement till he was regularized. It is seen that the name of the applicant also figures in Annexure A/12 order dated 29.11.2010 granting HRA and CCA for the period from 01.01.1996 to 17.12.2008 and from 01.01.1996 to 31.08.2008 respectively.

6. In view of the above, I deem it appropriate to dispose of this OA with a direction to the respondents to consider the applicant's claim similarly as the applicant in OA 1745/2016 dated 22.01.2019 and pass a reasoned order within a period of three months from the date of receipt of a copy of this order.

7. OA is disposed of with the above direction. No costs.