

**Central Administrative Tribunal
Madras Bench**

OA/310/00595/2018

Dated Monday the 4th day of June Two Thousand Eighteen

P R E S E N T

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

V. Vallinayagam
No. 3/56, East Street
Aniyaparanallur
Ellanickanpatti – 628 251.

.. Applicant

By Advocate **M/s. S. Arun**

Vs.

1. Union of India, rep. by
Chief Postmaster General
Office of the Chief Postmaster General
Chennai – 600 002.

2. The Senior Superintendent of Post Offices
Tuticorin Division
Tuticorin – 628008. .. Respondents

By Advocte **Mr. K. Rajendran**

ORAL ORDER

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

Heard both sides. The applicant has filed this OA seeking the following relief:-

“To set aside Memo No. B2/Misc/Dlgs dated 30.01.2017 passed by the 2nd respondent and consequently direct the respondents to induct applicant under Old Pension Scheme in terms of CCS (Pension) Rules, 1972 after considering his Gramin Dak Sevak Service at the rate of 5/8 for the period spend in Gramin Dak Sevak Post till his retirement for the purpose of pension calculation”

2. It is submitted that the applicant made Annexure A2 representation dated 27.01.2017 seeking the benefit of the Principal Bench's order in OA Nos. 749/2015, 3540/2015 and 613/2015 directing that GDS would also get pension under CCS(Pension) Rules 1972. However, his representation was disposed of by Annexure A3 communication dated 30.01.2017 stating that as per Rule 6 of GDS (Conduct and Engagement) rules 2011, no sevak shall be entitled to pension. The point raised by him in his representation had not been answered. Hence the applicant is before the Tribunal.

3. Mr. K. Rajendran takes notice for the respondents and submits that the order of the Principal Bench in the aforesaid cases had been challenged in the Hon'ble Delhi High Court and the matter is still pending. As such, the order of the Principal Bench has not attained finality and, therefore the applicant's

representation was disposed of as per rules.

4. Learned counsel for the applicant, however, submits that in a similar case, the Tribunal disposed of the OA with a direction to the respondents to review their decision in the event of Hon'ble Delhi High Court upholding the order of the Principal Bench and urges that a similar order be passed in this OA.

5. Keeping in view the aforesaid submission and without going into the substantive merits of the case, I deem it appropriate to direct the respondents to review their decision conveyed by Annexure A3 letter dated 30.01.2017 in the event of the Hon'ble Delhi High Court upholding the order of the Principal Bench in the aforesaid cases.

6. OA is disposed of at the admission stage as above.

(R.Ramanujam)
Member(A)
04.06.2018

AS