

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

MA/310/00302/2019 in & OA/310/00699/2019

Dated Monday the 10th day of June Two Thousand Nineteen

CORAM : HON'BLE MR. R. RAMANUJAM, Member (A)

- 1.S.Jeyachandran
- 2.C.Pitchaimani
- 3.M.Vellaichamy @ Muthaiah
- 4.P.Kalaiarasi
- 5.J.Mohan
- 6.S.Shanmuganathan
- 7.M.Kannan
- 8.S.Kannan
- 9.G.Pushpavanam

By Advocate M/s. R.Malaichamy

VS

1. Union of India, rep by
The Secretary,
Ministry of Communications,
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,
Southern Region (TN),
Madurai 625 002.

4. The Senior Superintendent of Post Offices,
Madurai Division, Madurai 625 002.Respondents

By Advocate Mr. Su. Srinivasan

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

Heard. MA filed by the applicants for joining together to file a single OA is allowed.

2. The applicants have filed this OA seeking the following reliefs :

"(i)To call for the records of the 4th respondent pertaining to his orders which is made in (1)No.C11/NPS/Dlgs dated 21.03.2018 and (2)No.C11/NPS/Dlgs dated June 2018/02.07.2018 and set aside the same; consequent to

(ii)Direct the respondents to treat the GDS service rendered by the applicants as qualifying service along with regular service and thereby to treat the service of the applicants under old pension scheme within the purview of CCS (Pension) Rules, 1972 and further

(iii)Direct the 4th respondent not to recover any amount from the salary of the applicants 1 to 8 towards New Pension Scheme and thereby to refund the amount recovered from their salary towards such Scheme, also

(iv)Direct the respondents to open GPF Account instead of CPF Account to the applicants 1 to 8 further to,

(v)Direct the respondents to revise and refix the retirement service benefits of the 9th applicant including pension and to pay the arrears of such benefits to the 9th applicant, and;

(vi)To pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

3. It is submitted that the applicants were initially appointed as GDS on various dates before 01.01.2004 and absorbed on regular basis after the said date. They seek to benefit from the order of the Principal Bench in OAs 749/2015 & batch dt. 17.11.2016 by which persons who held the post of GDS had been directed to be granted pension. They made representations on various dates in this regard which are still pending for consideration.

4. Mr. Su. Srinivasan, SCGSC takes notice for the respondents and submits that a similar matter was considered in WP No. 13500 of 2016 by the Hon'ble

Madras High Court in the case of ***O.Ramachandran & ors. Vs. Union of India & ors.*** By an order dated 17.10.2016, it was ruled that GDS were not entitled to pension. However, the order of the Principal Bench in the said OA appears to have been passed *per incuriam*. The matter is now before the Hon'ble Delhi High Court.

5. In similar cases it had been submitted that the Hon'ble Apex Court was also seized of the matter in SLP No. 13042/2014. Accordingly, the OAs had been disposed of with a direction to the respondents to review their impugned orders in the event of the Hon'ble Apex Court upholding the ratio of the order of the Principal Bench for grant of pensionary benefits to GDS.

6. In this case, however, the representations of the applicants are stated to be pending for consideration. I, therefore, deem it appropriate to dispose of this OA with a direction to the respondents to take a view in the case of the applicants herein. In the event of the Hon'ble Apex Court upholding the ratio of the order of the Principal Bench for grant of pension for MTS/Group-D/Postmen for counting the service rendered as GDS, the matter shall be reviewed in the case of the applicants and a reasoned and speaking order passed within a period of three months thereafter.

7. OA is disposed of at the admission stage. No costs.

(R. Ramanujam)
Member(A)
10.06.2019

SKSI