

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

MA/310/00301/2019 in & OA/310/00695/2019

Dated Monday the 10th day of June Two Thousand Nineteen

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

1. M.Nagaraj,
2. K.B.Yoghanantham,
3. G.Chandran.

....Applicants

By Advocate M/s. P. Rajendran

Vs

- 1.The Union of India rep by the
Chief Post Master General,
Tamil Nadu Circle, Chennai 600002.
- 2.The Senior Superintendent of Post Offices,
Nilgiris Division, Udhagamandalam 643001.

....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 relief :

"To direct the respondents to refrain from applying the New Pension Scheme to the applicant but to apply the Old Pension Scheme and count the service rendered in the post of GDS for the purpose of computing the qualifying service for pension as directed by the Principal Bench of this Hon'ble Tribunal in OA No. 749/2015 etc dated 17.11.2016 and render justice."

3. It is submitted that the applicants were initially appointed as GDS on 28.04.1986, 01.02.1982 & 01.05.1982 and thereafter absorbed on regular basis on 20.09.2015, 05.05.2011 & 31.12.2009 respectively. They seek to benefit from the order of the Principal Bench in OAs 749/2015 & batch dt. 17.11.2016 by which persons holding the post of GDS had been directed to be granted pension. The applicants made a representation on 12.09.2018 in this regard which is 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, however, 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 order of the Principal Bench for grant of pensionary benefits to GDS.

6. In this case, however, the representation of the applicants is stated to be pending for consideration. We, therefore, deem it appropriate to dispose of this OA also 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 order of the Principal Bench for grant of pension for MTS/Group-D/Postmen who had previously worked as GDS for counting such service, 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.

(R. Ramanujam)
Member(A)
10.06.2019

SKSI