

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

M.A.No.293/2019 in & O.A.No.677/2019

Dated Tuesday, the 4th day of June, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

1.S.Loganathan,
2. K.Madhivanan,
3. K.Alice Raj,
4. A.Moorthy,
5. J.Srinivasan,
6. A.Santhanam,
7. M.John Peter.Applicants

By Advocate M/s. P. Rajendran

Vs

The Union of India rep by
the Senior Superintendent of RMS,
Airmail Sorting Division,
Chennai 600016.Respondent

By Advocate Mr.C.Kulanthaivel

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

Heard. MA 293/2019 filed by the applicants to join together to file a single OA is allowed.

2. The applicants have filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To call for the records relating to the impugned order of the respondent in No. B 14/GDS/OA-1701/17 dated at Chennai 600016 the 04.02.2019 and quash the same and direct the respondents to refrain from applying the New Pension Scheme (New Defined Contribution Pension Scheme) to them but to apply the Old Pension Scheme (Defined Benefit Pension Scheme) and count the service rendered in the post of GDS for the purpose of computing the qualifying service for Pension and grant them all consequential benefits and render justice.”

2. The applicants are aggrieved by Annexure A-2 communications of the respondent dated 14.02.2019 rejecting their claim for pension under the CCS Pension Rules, 1972. The impugned order has been passed in response to the applicants' representations dated 11.12.2017 that relied on the order of the Principal Bench of this Tribunal in OA 749/2015 & Batch dated 17.11.2016 and the orders of various other Benches of this Tribunal as also the orders of the Hon'ble High Court wherein allegedly similarly placed persons were allowed the benefit of pension under the said Rules.

3. Mr.C.Kulanthaivel, who appears on behalf of the respondents, submits that the respondents had filed WP No.832, 834 & 835/2018

before the Hon'ble Delhi High Court against the order of the Principal Bench, New Delhi in OA 749/2015, 3540/2015 & 613/2015 and the matter is still sub judice. Further action could only be taken after the outcome of the above Writ Petitions is known.

4. Similar matters have been considered by this Tribunal in other OAs. It was also given to understand that the issue is also pending before the Hon'ble Apex court in SLP No.16767/2016. Accordingly, a direction has been issued to the respondents to review the case of the applicant(s) therein in the event of the Hon'ble Apex court settling the law in favour of counting GDS service for pension under the CCS (Pension) Rules, 1972.

5. In view of the above, this OA is also disposed of with a direction to the respondents to review their decision conveyed by order dated 14.02.2019 in the case of the applicants, in the event of the Hon'ble Apex court settling the law finally in favour of persons similarly placed as the applicants and pass appropriate orders within a period of three months thereafter. No costs.

M.T.

**(R.RAMANUJAM)
MEMBER (A)
04.06.2019**