

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 3rd day of January Two Thousand And Nineteen

PRESENT:

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

O.A. 310/1431/2016

P. Sakthivel, aged 67 years
S/o. Palikkanji Thevar,
A. Puduppatti (Post),
Alanganalur (via)
Vadipatti Taluk
Madurai District- 625 501.

....Applicant

(By Advocate: M/s. T. Ramkumar)

Versus

1. Union of India Rep. by
The Chief Post Master General,
Tamilnadu Circle,
Annasalai, Chennai- 600 002;
2. The Senior Superintendent of Post Offices,
Madurai Division,
Madurai- 625 002.

...Respondents

(By Advocate: Mr. S. Padmanabhan)

ORAL ORDER

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

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

“to direct the respondents to grant pension benefits to the applicant and pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case and thus render justice.”

2. The case of the applicant is that he joined the service of the respondents on 17.08.1977 as an Extra Departmental Branch Postman (EDBPM) and his services were regularized on 09.06.1999. He retired from service on 30.06.2008 on attaining the age of superannuation. The applicant rendered continuous service from the date of his initial appointment i.e. from 17.08.1977 till the date of his retirement i.e. on 30.06.2008. However, the respondents failed to consider his more than 22 years of continuous service as Extra Departmental Branch Postman (EDBPM) and rejected his claim of pension on the ground that he had not completed 10 years of qualifying service. Hence, he has filed the instant OA seeking the aforesaid relief.

3. Respondents contest the OA stating that the net qualifying service of the applicant worked out to 9 years and 2 days after deducting a period of 19 days during which he had participated in a strike and the absence was treated as dies non.

4. Learned counsel for the applicant submits that in a similar case i.e. in W.P. No. 26212 of 2011, Hon'ble Madras High Court was pleased by order dated 06.09.2012 to order payment of pension in respect of the applicant therein and, therefore, the applicant is also entitled to pension, being a

similarly placed person. It is further submitted that the matter of eligibility of GDS to count the GDS service for the purpose of Pension under the CCS(Pension)Rules 1972 is pending before the Hon'ble Apex Court in SLPs No. 16767/2016 and 18460/2015. Accordingly, the applicant would be satisfied if the respondents are directed to review the impugned order in accordance with the law to be laid down by the Hon'ble Apex Court in the pending cases.

5. I have considered the matter. This Tribunal in a similar cases has disposed of the OAs with a direction to the respondents to review their decision in regard to the applicants therein in the event of the law being settled finally by the Hon'ble Apex Court in favour of persons who had served as GDS for long years and/or who had been appointed against a pre-2004 vacancy for pension under the CCS Pension Rules, 1972. Accordingly, I am of the view that this OA could also be disposed of with the following directions:

"The competent authority shall review Annexure-A10 impugned order dated 23.08.2010 in the case of the applicant, in the event of the law being finally settled in favour of the persons similarly placed as him and pass a fresh order within a period of three months thereafter."

6. The OA is disposed of as above. No costs.

(R. RAMANUJAM)
MEMBER (A)

03.01.2019

Asvs.