

**Central Administrative Tribunal
Madras Bench**

MA/310/00243/2019 (in)(&) OA/310/00554/2019

Dated Monday the 22nd day of April Two Thousand Nineteen

P R E S E N T

Hon'ble Mr.T.Jacob, Member(A)

1. A.Balaraman
 2. Smt.G.Dhanalakshmi
 3. Smt.G.Jayamary
 4. Smt.D.Mallika
 5. P.Palani
 6. N.Pushparaj
 7. Smt.N.Sivagami
 8. Smt.V.Varalakshmi
 9. Smt.L.Yamunabai
- .. Applicants

By Advocate **M/s.P.R.Satyanarayanan**

Vs.

1. Union of India rep by
The Secretary,
Department of Posts,
M/o Communication & IT.,
Dak Bhavan,
New Delhi 110 001.
 2. Postmaster General (BD&MM),
Tamilnadu Postal Circle,
O/o Chief Postmaster General,
Chennai 600002.
 3. Superintendent,
R.M.S. 'M' Division,
Chennai 600008.
- .. Respondents

By Advocate **Mr.SU.Srinivasan**

ORAL ORDER

[Pronounced by Hon'ble Mr.T.Jacob, Member(A)]

MA for joining the applicants together and filing a single application is allowed.

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

“....to call for records relating to common proceedings No.B1/81/MTS/Misc. Dated 31.7.2018 passed by the third respondent w.r.t. The applicants' claim for grant of pension under CCS (Pension) Rules, 1972 by taking into account the applicants' service as GDS and quash them as arbitrary and illegal and direct the respondents to take into account the service rendered by the applicants as GDS officials for the purpose of grant of pension and other retirement benefits under CCS(Pension) Rules, 1972 as held by the Hon'ble Principal Bench in OA No.749/2015, 3540/2015, 613/2015 and batch and pass such further or other orders as this Tribunal may deem fit and proper in the circumstances of the case and thus render justice.”

3. Heard. Learned counsel for the applicants submits that all the applicants joined the respondents' department as Gramin Dak Sevaks (GDS) prior to 01.1.2004. They were appointed as MTS in Chennai Sorting Division on various dates after 01.1.2004 and they are presently continuing in the same capacity. They claim pension under the Old Pension Scheme since they entered service before 1.1.2004. Learned counsel for the applicants submits that the applicants are similarly placed as those in OA 749/2015 & Batch and as such they are eligible for the relief prayed for. Therefore they made representation to the 3rd respondent seeking to include the service rendered

by them as GDS for the purpose of grant of pension and other retirement benefits. However, the respondents by impugned order dated 31.7.2018 rejected the claim of the applicants stating that the above said judgments are applicable to the applicants therein only. Aggrieved, they have filed this OA seeking the above mentioned relief.

4. Learned counsel for the applicants also relies on the judicial precedent of the order of the Hon'ble High Court of Hyderabad for the Telengana State and Andhra Pradesh in WP No.17425/2016 dated 10.3.2016.

5. Mr.SU.Srinivasan takes notice for the respondents and submits that the interim order of the Hon'ble High Court of Telengana and Andhra Pradesh in the said WPs was based on a statement made by the Senior Standing Counsel that the petitioners would implement the order of the Tribunal. However, the law on the subject could not be said to have attained finality till the matter was disposed of by the higher Courts as the matter is sub judice before the Hon'ble High Court of Telengana and Andhra Pradesh.

6. However, when the matter is taken up, learned counsel for the applicants would submit that the applicants would be satisfied if a direction is given to the respondents to consider the claim of the applicants and review the impugned order in terms of the directions to be issued in the WP concerned.

7. In view of the submissions made by the counsel for the applicants, I am of the view that no useful purpose will be served by keeping the matter pending in this

Tribunal. I, therefore, deem it appropriate to direct the respondents to finally dispose of the claim of the applicants in terms of the judgment/order in WP No.17425/2016 before the Hon'ble High Court of Hyderabad for the Telengana State and Andhra Pradesh as and when it is passed.

8. The respondents are accordingly directed to consider and decide on the claim of the applicants in terms of the directions to be issued by the Hon'ble High Court of Hyderabad for the Telengana State and Andhra Pradesh in WP No.17425/2016.

9. With the above direction, the OA is disposed of at the admission stage.

(T.Jacob)
Member(A)
22.04.2019

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