

**Central Administrative Tribunal
Madras Bench**

OA 310/00718/2019

Dated Wednesday the 12th day of June Two Thousand Nineteen

P R E S E N T

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

K. V. Sugumar
No. 8/218, Nehruji 4th Street
New Kamaraj Nagar
Vyasarpadi
Chennai – 600 039.

... Applicant

By Advocate **M/s R. Malaichamy**

1. Union of India
Rep. By the Secretary
Ministry of Communications & IT
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
Chennai City Region
Chennai – 600 002.

4. The Senior Superintendent of Post Offices
Chennai City North Division
Chennai – 600 008. ... Respondents

By Advocate **Mr. Su. Srinivasan**

ORAL ORDER

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

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“1. To call for the records of the 4th respondent pertaining to his order made in No. B5/GDS/Court dlgs/2019 dated 25.04.2019 and set aside the same, consequent to

2. direct the respondents to induct the applicant into statutory pension scheme under CCS(Pension)Rules, 1972 notionally treating the applicant as he has been appointed as Postman from the date of occurrence of vacancy in the year 2003 and 2004, also by counting the entire GDS service, along with regular service for the limited purpose of grant of pension under CCS (Pension) Rules, 1972; further

3. direct the respondents to open GPF Account instead of CPF Account, and

4. To pass such further or other orders”

2. Learned counsel for the applicant submits that the applicant has to be brought under the CCS(Pension) Rules, 1972 for the purpose of post-retirement benefits including pension.

3. When the matter is taken up today, learned counsel for the applicant submits that the applicant is similarly placed as in OA 317/2018 decided by this Tribunal on 31.12.2018 and seeks similar order may be passed in this case.

4. Mr. Su. Srinivasan takes notice for the respondents and submits that he has no objection in passing similar order.

5. Keeping in view of the submission made by either side, this OA is disposed of with the following direction:

“In the event of the Hon'ble Apex Court upholding the order of this Tribunal to the effect that persons appointed against pre-2004 vacancies should be considered eligible for pension under the CCS (Pension) Rules 1972, the competent authority shall review the impugned order dt. 25.04.2019 within a period of two months thereafter with a view to passing fresh orders. The authority shall examine whether the applicant was appointed against 2003 and 2004 vacancy and if so, treat him similar to other persons who had been so appointed against pre-2004 vacancies and benefited from court orders.”

(T. Jacob)
Member(A)
12.06.2019

AS