

**Central Administrative Tribunal
Madras Bench**

OA/310/00774/2019

Dated Monday the 24th day of June Two Thousand Nineteen

P R E S E N T

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

C.Murugan
S/o Chellam,
No.70B, East New Street,
Ambasamudram,
Tirunelveli District,
PIN 627 401. .. Applicant
By Advocate **M/s.R.Malaichamy**

Vs.

1. Union of India, rep by the
Secretary,
M/o Communications,
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,
Southern Region (TN),
Madurai 625 002.
4. The Senior Superintendent of Post Offices,
Tirunelveli Division,
Tirunelveli 627 002. .. Respondents

By Advocate **Mr.M.Kishore Kumar-SPC**

ORAL ORDER

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

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

“To call for the records of the 4th respondent pertaining to his order which is made in No.C/NPS-CCS(P) Misc Dlgs dated 24.1.2019 and set aside the same, consequent to,

direct the respondents to induct the applicant into statutory pension scheme under CCS (Pension) Rules, 1972 notionally treating the GDS service along with regular service for the limited purpose of grant of pension under CCS (Pension) Rules, 1972; further,

To pass such further or other orders as this Tribunal may deem fit and proper in the circumstances of the case.”

2. Learned counsel for the applicant submits that the applicant initially entered into the Postal Department as GDS at Brahmadesam SO on 13.6.1979 and he rendered in the said capacity till 2006. Thereafter till 23.2.2011 he was working as Postman in an officiating capacity. Then he was selected for appointment as Postman against 25% quota earmarked for GDS and he was appointed as Postman at Ambasamudram HO. He made Annexure A4 representation dated 11.1.2019 referring to the order of the Principal Bench of this Tribunal in OA Nos. 749/2015, 3540/2015 and 613/2015 dated 17.11.2016 in which the applicants therein had been granted the benefit of their services as Gramin Dak Sevak (GDS) for the purpose of grant of pension under CCS (Pension) Rules, 1972 which was rejected by Annexure A5 impugned order dated 24.1.19. The applicant being similarly placed could not be denied the same benefits, it is contended.

3. Mr.M.Kishore Kumar, Senior Panel counsel takes notice for the respondents and submits that the order of the Principal Bench in the above case had been challenged in the Hon'ble Delhi High Court and the Hon'ble Delhi High Court was seized of the matter and, therefore, the direction of the Principal Bench in the said cases had not attained finality.

4. Learned counsel for the applicant submits that a similar case had been disposed of by this Tribunal in OA 1093/17 dated 11.12.2018 directing the respondents to reconsider the claim of the applicant for pension under CCS (Pension) Rules, 1972 in the event of the law being finally settled in favour of persons similarly placed as the applicant herein with regard to his entitlement for grant of pension under the said rules. Therefore, the applicant would be satisfied if a similar order is passed in this case also. Learned counsel for the respondents accepts the same.

5. Keeping in view the above, this OA is disposed of with the following direction at the admission stage:-

“Respondents are directed to reconsider the claim of the applicant for pension under CCS (Pension) Rules 1972 in the event of the law being finally settled in favour of persons similarly placed as the applicant herein with regard to his entitlement for grant of pension under the said rules.”

(T.Jacob)
Member(A)
24.06.2019

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