

**Central Administrative Tribunal
Madras Bench**

OA/310/00764/2019

Dated Monday the 24th day of June Two Thousand Nineteen

P R E S E N T

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

M.Somasundaram,
S/o A.Madasamy,
No.37A, Thirupura Sundari,
Amman Koil West Street,
Tirunelveli Pettai,
Tirunelveli 627 004. .. 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 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 was initially entered into the Postal Department as ED MC on 04.11.1980. Thereafter he was posted as GDS MD at Gopalasamudram SO. He was working as Postman at Pathamadai SO and Tirunelveli Town SO in an officiating capacity with intermittent break from the year 2006 to 04.5.2011. Thereafter he was selected and appointed as MTS against 25% quota earmarked for GDS. Since then he is working as MTS at Thirunelveli HO. He claim pension under the Old Pension Scheme since he entered into service before 1.1.2004.

3. Learned counsel for the applicants submits that the applicant is similarly placed as that of the applicants in OA 749/2015 & Batch dated 17.11.2016 wherein it has been categorically stated that the GDS Rules 2011 are held to be valid except Rule 6 and further all GDS who have been absorbed as Group-D (MTS), the period spent as GDS will be counted in toto for the purpose of pensionary benefits. As such he is eligible for the relief prayed for. Therefore, he submitted Annexure A4 representation

dated 11.1.2019 to the respondents to treat the service rendered by him in GDS cadre as qualifying service under Old Pension Scheme for all purpose and grant retirement service benefits including pension. The said representation is still pending. It is submitted that the applicant would be satisfied if the competent authority is directed to consider it in accordance with law and the facts of his case and pass a reasoned and speaking order within a time limit to be stipulated by this Tribunal.

4. Mr.M.Kishore Kumar, Senior Panel Counsel, takes notice for the respondents.
5. Keeping in view the limited relief sought and without going into the substantive merits of the claim, the competent authority is directed to consider Annexure A4 representation dated 11.1.2019, of the applicant and pass a reasoned and speaking order as per law and in the light of the order in OA 749/2015 & batch dated 17.11.2016 within a period of three months from the date of receipt of a copy of this order.
6. OA is disposed of with the above direction at the admission stage.

(T.Jacob)
Member(A)
24.06.2019

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