

**Central Administrative Tribunal
Madras Bench**

OA 310/00222/2019

Dated Friday the 01st day of March Two Thousand Nineteen

P R E S E N T

Hon'ble Shri. P. Madhavan, Member (J)
&
Hon'ble Shri. T. Jacob, Member (A)

R. Dhanabagyan
Postwoman
Pappanaickenpalayam SO
Coimbatore – 641037.

... Applicant

By Advocate **M/s S. Arun**

Vs.

1. Union of India, Rep by
Chief Postmaster General
Office of the Chief Postmaster General
Chennai – 600 002.

2. The Senior Superintendent of Post Offices
Coimbatore Division
Coimbatore – 641 001.

.. Respondents

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

ORAL ORDER

Pronounced by Hon'ble Mr. P. Madhavan, Member(J)

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

“To set aside memo No. OA No. 91/2015/NPS dated 21.02.2018 passed by the 2nd respondent and consequently direct the respondents not to recover any amount from applicant toward subscription to New Pension Scheme besides directing to induct applicant under Old Pension Scheme in terms of CCS (Pension) Rules, 1972 after considering his entire Gramin Dak Sevak Service for the purpose of pension calculation and pass such other orders”

2. The applicant in this OA seek to be covered by the CCS (Pension) Rules, 1972 instead of the New Pension Scheme.
3. Learned counsel for the applicant would submit that the applicant is similarly placed as those in OA 1139/2017 and batch as also OA 1093/2017 decided by the Madras Bench of this Tribunal dated 28.11.2018 and 11.12.2018 respectively and order passed by CAT, Principal Bench in OA 749/2015 and urge that a similar order may be passed in this case.
4. Mr. M. Kishore Kumar takes notice for the respondents and he has no objections in passing similar order. But he submits that the decision will be taken subject to the Writ Petitions No. 832/2018, 834/2018 and 835/2018 pending before

the Hon'ble High Court. The applicant has no objection in disposing the OA subject to the outcome of the various writ petitions pending and law attaining finality.

5. Keeping in view the above submission, this OA is disposed of with the following direction:

“The 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 applicants herein with regard to their entitlement for grant of pension under the said rules.”

(T. Jacob)
Member(A)
AS

01.03.2019

(P. Madhavan)
Member (J)