

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00018/2018
Original Application No. 180/00019/2018
Original Application No. 180/00035/2018
Original Application No. 180/00036/2018
Original Application No. 180/00037/2018
Original Application No. 180/00049/2018
Original Application No. 180/00182/2018
Original Application No. 180/00184/2018
Original Application No. 180/00320/2018
Original Application No. 180/00321/2018
Original Application No. 180/00322/2018
Original Application No. 180/00332/2018
Original Application No. 180/00350/2018
Original Application No. 180/00356/2018
Original Application No. 180/00636/2018
Original Application No. 180/00644/2018
Original Application No. 180/00731/2018

Thursday, this the 8th day of August, 2019

CORAM:

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member
Hon'ble Mr. Ashish Kalia, Judicial Member

1. Original Application No. 180/00018/2018 -

1. Shri K.A.Antoo,
S/o K.V.Augusty,
Aged 62 years,
MTS (Retired),
Angamali MDG, residing at Kolattukudy (H),
Manjapra – 683 581,
Ernakulam District.
2. Shri Kurian T.J,
S/o Jacob,
Aged 62 years,
MTS (Retired),
Kothamangalam MDG,
residing at Thadayalil (H),
Kuruppampady – 683 545.
Ernakulam District.

3. Shri V.K.Gopalan,
S/o Kuttappan,
Aged 62 years,
MTS (Retired),
Perumbavoor HPO,
residing at Venchattukudy,
Keezhillam P.O.,
Pin – 683 541,
Ernakulam District.
4. Smt.P.N.Ammuni,
W/o N.K.Thilakan,
Aged 62 years,
MTS (retired),
Paravoor MDG,
residing at Nikathi Thara,
Malippuram P.O.,
Pin – 682 511,
Cochin.
5. Shri Antu K.O.,
S/o Ouseph,
Aged 64 years,
MTS (Retired),
Paravoor MDG,
residing at Kallarackal (H),
Elavoor P.O.,
viz Angamali – 683 572,
Ernakulam.

.... **Applicants**

(By Advocate - Shri M.R.Hariraj)

Vs.

1. The Union of India,
represented by the Secretary to Government of India,
Department of Post, New Delhi – 110 011.
2. The Chief Post Master General,
Kerala Circle, Thiruvananthapuram – 695 001.
3. The Superintendent of Post Office,
Aluva Division.

...Respondents

(By Advocate - Shri S.Ramesh, ACGSC)

2. **Original Application No.180/00019/2018 -**

1. Shri P.V.John,
S/o Varkey,
Aged 62 years,
Postman (Retired),
Thodupuzha Post Office,
residing at Plakkunel,
Vengalloor P.O.,
Thodupuzha,
Idukki – 685 605.
2. Shri C.D.Thomas,
S/o Devasya,
Aged 67 years,
Group – D (Retired),
Munnar Post Office,
residing at Charamthottiyil,
Chittirapuram,
Idukki – 685 565.
3. Smt. P.K.Sugathakumari,
W/o P.F.Shaji.
Aged 61 years,
Postman (Retired),
Vandiperiyar Post Office,
residing at Puthenparambil,
Peerumedu, Pin-685531, Idukki.
4. Smt. Swarnalatha P.,
W/o K.S. Mohanan,
Aged 60 years,
Group-D (Retired),
Superintendent Office,
Thodupuzha Post Office,
residing at Narimattom House,
Kizhakekkara,
Muvattupuzha P.O.,
Pin – 686 661,
Ernakulam District.
5. Shri T.T.John,
S/o Thomas,
Aged 62 years,
Group-D (Retired),
Peerumedu Post Office,
residing at Thuruthipally,
Murinjapuzha P.O.,
Peruvanthanam – 685532,

Idukki District.

6. Shri K.K.Muraleedharan,
S/o Karunakaran,
Aged 61 years,
Group D (Retired),
Idukki Colony Post Office,
residing at Kolothu House,
Idukki Colony P.O.,
Pin – 685 602,
Idukki District.
7. Shri M.K.Unnikrishnan Nair,
S/o K.N.Kunjupilla,
Aged 61 years,
Group D (Retired),
Kattappana Post Office,
residing at Geethasadhanam,
Kuzhitholu P.O.,
Vandanmeedu, Pin-685551,
Idukki District.
8. Shri P.B.Radhakrishnan Nair,
S/o Balachandran Nair,
Aged 60 years,
Group D (Retired),
Kattappand Post Office,
residing at Puthen Veettil House,
Karnnapuram P.O., (via)
Kallar - 685 552,
Idukki District.

... **Applicants**

(By Advocate - Shri M.R. Hariraj)

Vs.

1. The Union of India,
represented by the Secretary to
Government of India,
Department of Posts,
New Delhi – 110 011.
2. The Chief Post Master General,
Kerala Circle,
Thiruvananthapuram – 695 001.
3. The Superintendent of Post Office,
Idukki Division,
Thorduppuzha – 685 584.

... **Respondents**

(By Advocate - Shri E.N..Hari Menon, ACGSC)

3. Original Application No.180/00035/2018-

1. Shri Appu M.D.,
Aged 63 years,
S/o late Shri Divakaran,
Retired Postaman,
Thiruvalla Head Post Office,
Pathanamthitta,
residing at Mammottil House,
Pandankary, Edathua – 689 573,
Alappuzha.
2. Shri T.N.Mohanan,
Aged 60 years,
S/o late Sri P.N.Neelakantan,
Retired Postman,
Manjeri Junction Post Office,
Pathanamthitta,
residing at Thoppil Vadakkethil,
Valamkara, Paduthode Vennikulam,
Pathanamthitta – 689 544.
3. Shri M.G.Rajan,
Aged 60 years,
S/o late Sri Govindan,
Retired Postman,
Peringara Post Office,
Thiruvalla Division,
Pathanamthitta,
residing at Madasseril House,
Chanthankary,
Pathanamthitta – 689 112.

... **Applicants**

(By Advocate - Shri M.R.Hariraj)

Vs.

1. The Union of India,
represented by the Secretary to
Government of India,
Department of Posts,
New Delhi – 110 011.
2. The Chief Post Master General,
Kerala Circle,
Thiruvananthapuram – 695 001.

3. The Superintendent of Post Office,
Pathanamthitta – 689 645.

... **Respondents**

(By Advocate - Shri C.P. Ravikumar, ACGSC)

4. Original Application No.180/00036/2018 -

1. Shri M.R.Raghavan Pillai,
Aged 67 years,
S/o Late Shri Ramakrishna Pillai,
Group-D, Postal Divisional Office,
Thiruvulla,
residing at Kanjirathinkal House,
Anicadu, Pathanamthitta-689 585.

2. O.S.Padmanabha Pillai,
Aged 61 years,
S/o Late Sri Sankara Pillai,
Retired Group D,
Thiruvalla Head Post Office,
residing at Prajith Bhavan,
Kattoor Post,
Kaviyoor – 689 582,
Pathanamthitta.

... **Applicant**

(By Advocate - Shri M.R.Hariraj)

Vs.

1. Union of India,
represented by the Secretary to
Government of India,
Department of Post,
New Delhi – 110 011.
2. The Chief Post Master General,
Kerala Circle, Thiruvananthapuram – 695 001.
3. The Superintendent of Post Office,
Pathanamthitta – 689 645.

... **Respondents**

(By Advocate - Shri S.R.K.Prathap, ACGSC)

5. Original Application No.180/00037/2018

Shri Babukuttan Nair B,
Aged 61 years,
S/o Bhaskara Pillai,

Retired Group-D,
Retired Group D,
Peroorkada P.O.,
Trivandrum,
Residing at Kingini,
Parayankavu,
Irinjayam P.O.,
Pazhakutty Via,
Thiruvananthapuram – 695 561.

.... **Applicant**

(By Advocate - Shri M.R.Hariraj)

Vs.

1. The Union of India,
represented by the Secretary to
Government of India,
Department of Post,
New Delhi – 110 011.
2. The Chief Post Master General,
Kerala Circle,
Thiruvananthapuram – 695 001.
3. The Post Master General,
Southern Region,
Kerala Circle,
Thiruvananthapuram – 695 033.
4. The Superintendent Post Office,
South Division,
Thiruvananthapuram – 695 543.

... **Respondents**

(By Advocate - Shri V.A.Shaji, ACGSC)

6. **Original Application No.180/00049/2018 -**

Shri Kunjuraman Achary. R.,
S/o Late Raghavan Achary,
Aged 70 years,
Postman (Retd),
Nisha Bhavan, Koottapara,
Sadanamdapuram P.O.,
Kottarakara, Kollam District – 691 531.

.... **Applicant**

(By Advocate - Shri C.S.G.Nair)

Vs.

1. The Union of India,
Represented by its Secretary,
Department of Posts,
New Delhi – 110 001.
2. The Director General of Posts,
New Delhi – 110 001.
3. The Chief Postmaster General,
Kerala Circle,
Trivandrum – 695 033.
4. The Director of Accounts (Postal),
Kerala Circle,
Trivandrum – 695 001.
5. The Senior Superintendent of Post Offices,
Kollam Division,
Kollam – 691 001.

... Respondents

(By Advocate - Shri N.Anilkumar, SCGSC)

7. **Original Application No.180/00182/2018 -**

1. Shri Binu Chacko,
Aged 42 years,
S/o Chacko, Postman,
Kavaumbhagom, Pin 689 102,
Tiruvalla Postal Division,
residing at Parayil veedu,
Kunthirickal P.O.,
Thalavady via Alappuzha -689 572.
2. Shri Suresh Kumar T.B.,
Aged 56 years,
S/o Bhaskara Panicker,
Postman, Othara,
Tiruvalla Postal Division,
residing at Chandramangalam,
Kaviyoor P.O.,
Thiruvalla via Pathanamthitta – 689 582.

.... Applicants

(By Advocate - Shri M.R.Hariraj)

Vs.

1. The Union of India,
represented by the Secretary to
Government of India,
Department of Post,
New Delhi – 110 011.
2. The Chief Post Master General,
Kerala Circle,
Thiruvananthapuram – 695 001.
3. The Post Master General,
Southern Region,
Kerala Circle,
Thiruvananthapuram – 695 033.
4. The Superintendent Post Office,
Thiruvalla Division,
Thiruvalla – 689 101.

... Respondents

(By Advocate - Shri S.R.K.Prathap, ACGSC)

8. **Original Application No.180/00184/2018 -**

1. Shri Prabhakaran Nair K.V.,
Aged 51 years,
S/o Vasudevan Nair K.K., Postman,
Kozhenchery,
residing at Chakkampampil,
Naranganam P.O.,
Kozhenchery,
Pathanamthitta District.
2. Smt.K.Sujatha,
Aged 57 years,
W/o K.P.Namboodiri,
Postal Assistant,
Pathanamthitta H.O.,
residing at Oorakathillom,
Mylapra town P.O.,
Konny, Pathanamthitta District.
3. Smt. Prasanna Kumari P.R.,
Aged 59 years,
W/o Gopinadan Nair,
Postal Assistant,
Kumbazhamuri (Officiating SPM),
residing at Kaithumkarotte House,

Kumbazha P.O.,
Pathanamthitta District.

4. Smt. Amminikutty K.N.,
Aged 60 years,
W/o Gopi E.R.,
Retired Postman,
Makkapuzha,
residing at Ginu Sadanam,
Mannarekulanji P.O.,
Mylapra,
Pathanamthitta.

5. Shri K.Bhuvanachandran,
Aged 62 years,
S/o Kesavan,
Retired Postman,
Anchal,
residing at Devi Sadanam,
Panayanchery,
Mallassery Bhagam,
Anchal P.O.,
Punalur, Kollam District.

.... **Applicants**

(By Advocate - Shri M.R.Hariraj)

Vs.

1. The Union of India,
represented by the Secretary to
Government of India,
Department of Post,
New Delhi – 110 011.
2. The Chief Post Master General,
Kerala Circle,
Thiruvananthapuram – 695 001.
3. The Post Master General,
Southern Region,
Kerala Circle,
Thiruvananthapuram – 695 033.
4. The Superintendent of Post Offices,
Pathanamthitta Division,
Pathanamthitta – 689 645.

... **Respondents**

(By Advocate - Shri N.Anilkumar, SCGSC)

9. **Original Application No.180/00320/2018 -**

Smt.Susamma Joseph,
W/o Shri George Mathew,
Aged 60 years,
Retired Postman at Kanchiyar Sub Post Office,
Residing at Pathrapankal,
Thoppipala PO,
Idukki – 685 511.

... **Applicant**

(By Advocate - Shri M.R.Hariraj)

Vs.

1. The Union of India,
represented by the Secretary to
Government of India,
Department of Post,
New Delhi – 110 011.
2. The Chief Post Master General,
Kerala Circle,
Thiruvananthapuram – 695 001.
3. The Superintendent of Post Office,
Idukki Division,
Thodupuzha – 685584.

... **Respondents**

(By Advocate - Shri V.A.Shaji, ACGSC)

10. **Original Application No.180/00321/2018 -**

1. Shri P.M.Pathrose,
S/o Shri P.J.Mathai,
Aged 67 years,
Retired Postman at Mallappally East,
Thiruvalla Division,
Residing at Pallicakal House,
Ezhumattoor P.O.,
Mattappally,
Pathanamthitta – 689 586.
2. Shri M.Jamal Mohammed,
S/o Mr.Meeran Moideen Rawather,
Aged 65 years,
Retired Postman at Anchal Pathanamthitta Division,
Residing at J.B.Manzil, Thottammukku,
Bharatheepuram P.O.,

Eroor, Kollam – 691 312.

.... **Applicants**

(By Advocate - Shri M.R.Hariraj)

Vs.

1. Union of India,
represented by the Secretary,
Department of Posts,
New Delhi. - 110 011.
2. The Chief Post Master General,
Kerala Circle,
Thiruvananthapuram – 695 001.
3. The Superintendent of Post Office,
Thiruvalla Division,
Thiruvalla – 689 101.
4. The Superintendent of Post Office,
Pathanamthitta Division,
Pathanamthitta– 689 645

... **Respondents**

(By Advocate - Shri T.C.Krishna, Sr. PCGC)

11. Original Application No.180/000322/2018 -

1. Shri J.Krishnankutty,
S/o Janardhanan,
Aged 51 years,
Postman,
Poojapura Head Post Office,
Thiruvananthapuram,
residing at Kripa Bhavan,
Nediyavila, Uriacode P.O.,
Thiruvananthapuram – 695 543.
2. Shri J.Shahabudeen,
S/o Jamaludeen,
Aged 50 years,
Postman,
Thiruvananthapuram South Division,
residing at Kulangaraveedu,
Kanniyoore, Poovachal P.O.,
Thiruvananthapuram district.
3. Ms.Sreekala O.,
D/o. Kamalasanan,
Aged 56 years,
MTS Group D,

Thiruvananthapuram RMS,
Residing at Vijayakala Bhavan,
Perumpazhuthoor P.O.,
Thiruvananthapuram District.

4. Shri A.Sudhakaran Kani,
S/o Arjunan Kani,
Aged 56 years,
MTS Group D,
Thiruvananthapuram RMS,
Residing at A.S.Bhavan, via
Vetty Kattoor , Kuttichal,
Thiruvananthapuram – 695 574.
5. Shri B.S.Sarangadharan,
S/o Bhaskara Pillai,
Aged 50 years,
MTS Group D,
Vithura Post Office,
Thiruvananthapuram,
residing at Thiruvathira,
Pullivattam, Karimamcode,
Thiruvananthapuram – 695 562.

... **Applicants**

(By Advocate - Shri P.A.Kumaran)

Vs.

1. Union of India,
represented by the Secretary,
Department of Posts,
Ministry of Communication,
New Delhi.
2. The Chief Post Master General,
Kerala Circle,
Thiruvananthapuram – 695 033.
3. The Senior Superintendent of Posts,
Thiruvananthapuram Division,
Thiruvananthapuram – 695 033.
4. The Superintendent of Posts,
Thiruvananthapuram South Division,
Thiruvananthapuram – 695 036.
5. The Assistant Superintendent of Posts,
Thiruvananthapuram East Sub Division,
Nemom, Thiruvananthapuram – 695 020.

... **Respondents**

(By Advocate - Shri N.Anilkumar, SCGSC)

12. Original Application No.180/00332/2018-

Ramakrishnan A.R.,
S/o the late A.M. Ravunny,
Aged 59 years,
Multi Tasking Staff,
Cherpu PO, Thrissur District,
residing at Arangan House,
Varandarappilly P.O,
Thrissur -680 303.

... **Applicant**

(By Advocate - Shri Antony Mukkath)

Vs.

1. The Superintendent of Post Offices,
Irinjalakkuda Division,
Irinjalakkuda -680 121.
2. The Postmaster General,
Northern Region,
Kozhikode -673 011.
3. The Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram – 695 033,
4. The Director General of Posts,
Dak Bhavan,
New Delhi – 110 001.
5. The Union of India,
represented by its Secretary,
Ministry of Communications,
New Delhi – 110 001.

... **Respondents**

(By Advocate - Smt. Mini R.Menon, ACGSC)

13. Original Application No.180/000350/2018 -

1. Shri V.Sankaran Nair,
S/o Velayudhan Pillai,
Aged 67 years,
Retired Postman,
Chengal P.O., Thiripthy,

Arayoor P.O.,
Amaravila,
Thiruvananthapuram-695122.

2. Shri G.Raveendran Nair,
S/o Gangadharan Pillai,
Aged 63 years,
Retired Postman,
Vithura PO, Karthika,
Thennoor PO.,
Thiruvananthapuram-695563.

3. Shri C.Murugan Pillai,
S/o Chellappan Pillai,
Aged 62 years,
Poojappura PO,
Retired Multi Tasking Staff,
Tintu Bhavan, Edavam,
Idinjar P.O.,
Peringammala,
Thiruvananthapuram-695563.

... **Applicants**

(By Advocate - Mr.P.A.Kumaran)

Versus

1. Union of India, represented by Secretary,
Department of Posts,
Ministry of Communication,
New Delhi – 110 001.
2. The Chief Post Master General,
Kerala Circle,
Thiruvananthapuram – 695 033.
3. The Senior Superintendent of Posts,
Thiruvananthapuram Division,
Thiruvananthapuram – 695 033.
4. The Superintendent of Posts,
Thiruvananthapuram South Division,
Thiruvananthapuram – 695 036.
5. The Assistant Superintendent of Posts,
Thiruvananthapuram East Sub Division,
Nemom, thiruvananthapuram-695 020.

..... **Respondents**

(By Advocate - Mr.Thomas Mathew Nellimoottil, Sr. PCGC)

14. **Original Application No.180/000356/2018 -**

T.O.Ouseph,
Aged 61 years,
S/o Ouseph,
Retired Postsman,
Angamaly, residing at Thekkanath House,
Chengamanadu P.O.,
Ernakulam District – 638 578.

... **Applicant**

(By Advocate - Shri Martin G Thottan)

Vs.

1. Union of India represented by the Secretary,
Government of India,
Ministry of Communications,
Department of Posts,
New Delhi – 100 001.
2. The Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram – 695 033.
3. The Sr.Suptd. Of Post Office,
Aluva Division,
Aluva -683 101.

... **Respondents**

(By Advocate - Shri S.R.K.Prathap, ACGSC)

15. **Original Application No.180/000636/2018 -**

1. Shri K.Manikantan Nair,
Aged 56 years,
S/o Late P.K.Krishnan Nair,
Postman Vellanachu Post Office,
Thiruvananthapuram – 695 543,
residing at SM Vilasam,
Veliyannur P.O.,
Thiruvananthapuram – 695 543.
2. Shri K.Anil Kumar,
Aged 57 years,
S/o Late A.K.Kesavan,
Postman Chathamangalam Post Office,
Thiruvananthapuram – 695 010.
residing at Tell489, Vikal Nagar,
Kanjirampara,

Thiruvananthapuram – 695 030.

... **Applicants**

(By Advocate - Shri M.R.Hariraj)

Vs.

1. Union of India represented by the Secretary,
Ministry of Communications,
Department of Posts,
New Delhi – 100 001.
2. The Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram – 695 033.
3. The Superintendent of Posts,
Thiruvananthapuram South Division,
Thiruvananthapuram – 695 036.

... **Respondents**

(By Advocate - Shri Brijesh A.S., ACGSC)

16. Original Application No.180/000644/2018 -

Shri Ravi.K.,
S/o Kutti,
Aged 62 years,
retired Multi Tasking Staff,
Mavelikkara Head Post Office,
residing at Harijan Colony,
Block No.5, Umbernadu,
Mavelikkara P.O.,
Alappuzha – 690 101.

... **Applicant**

(By Advocate - Shri M.R.Hariraj)

Vs.

1. The Union of India,
represented by the Secretary,
Department of Posts,
Ministry of Communication,
New Delhi – 110 001.
2. The Chief Post Master General,
Kerala Circle,
Thiruvananthapuram – 695 033.

3. The Superintendent of Post Offices,
Mavelikkara Division,
Mavelikkara – 690 101. ... **Respondents**

(By Advocate - Shri S.Ramesh, ACGSC)

17. Original Application No.180/000731/2018 -

Shri E.T.Yoosuph,
S/o Koya,
Aged 65 years,
retired Group D,
Thodupuzha H.O.,
residing at Kothaikunnel,
Olamattonam,
Thodupuzha PO,
Pin – 685 584. ... **Applicant**

(By Advocate - Shri M.R.Hariraj)

Vs.

1. The Union of India
represented by Secretary,
Department of Posts,
Ministry of communications & IT,
Dak Bhavan,
New Delhi – 110 001.
2. The Chief Post Master General,
Kerala Circle,
Thiruvananthapuram – 695 011.
3. The Superintendent of Post Offices,
Idukki Division,
Thodupuzha – 685 584. ... **Respondents**

(By Advocate - Shri Thomas Mathew Nellimoottil, Sr. PCGC)

These applications having been heard on 30.07.2019, the Tribunal on
08.08.2019 delivered the following:

ORDER

Per Hon'ble Mr. Ashish Kalia, Judicial Member –

OAs Nos. 180-18, 19, 25, 26, 27, 49, 182, 184, 320, 321, 322, 332,

350, 356, 636, 644 and 731-2018 have common points of fact and law involved and hence are being disposed of through this common order. The pleadings, documents and records in OA No. 180/18/2018 are referred to in this common order for the sake of convenience.

2. Exactly similar relief are claimed by the applicants in OAs Nos. 18, 19, 35, 36, 37, 182, 184, 320, 321, 636, 644 and 731-2018 which are as under:

“i. To declare that Rule 6 of Gramin Dak Sevak (Conduct and Employment) rule is ultra-vires and void and direct to respondents not implement the same against the applicant;

ii. To declare that the applicant is entitled to have his pension and pensionary benefits fixed, drawn and disbursed reckoning his service as GDS as qualifying and that he is entitled to have his pension fixed as per the provisions of CCS (Pension) Rules, 1965, and to direct the respondents to fix, draw and disburse the pension and pensionary benefits due to the applicant accordingly, with all consequential benefits including payment of arrears of pension and pensionary benefits with interest at the rate of 12% pr annum and to refund to applicant any pension contribution recovered from him with interest of 12% per annum.

iii. Grant such other reliefs as may be prayed for and the court may deem fit to grant, and

iv. To grant the costs of this Original Application.”

3. The relief claimed in OA No. 180/49/2018 are as under:

“(i) To declare that the applicant is entitled for counting full GD service as qualifying service for the purpose of retirement benefits.

(ii) To direct the respondents to fix the pension and other retirement benefits taking into account the full GD service and the service as Postman as qualifying service and grant all consequential benefits accordingly.

(iii) To grant such other relief or reliefs that may be prayed for or that are found to be just and proper in the nature and circumstances of the case.

(iv) To grant cost of this OA.”

4. The relief claimed in OA No. 180/332/2018 are as under:

- “i) to declare that the entire period spent by the applicant as Gramin Dak Sevak Mail Deliverer with effect from 15.7.1982 shall be counted in toto for the purpose of pensionary benefits and to reckon the same for determining the qualifying service for pension under the CCS (Pension) Rules, 1972;
- ii) to issue appropriate direction or order directing the respondents to reckon the entire period spent by the applicant as Gramin Dak Sevak Mail deliverer with effect from 15.7.1982 towards qualifying service for pension and pensionary benefits under the CCS (Pension) Rules, 1972 and to grant pension and pensionary benefits in accordance with CCS (Pension) Rules, 1972;
- iii) to grant such other reliefs which this Hon'ble Tribunal may deem fit, proper and just in the circumstances of the case such other;
and
- iv) to award costs to the applicant.”

5. The relief claimed in OAs Nos. 180/322 and 350/2018 are as under:

- “i. To declare that Rule 6 of the Gramin Dak Sevaks (Conduct and Employment) Rules, 2011 is ultra vires and void and direct the respondents not to implement the same against the applicants;
- ii. To declare that the applicants are entitled to have their pension and pensionary benefits fixed, drawn and disbursed reckoning their service as GDS as qualifying and that they are entitled to have their pension fixed as per the provisions of the CCS (Pension) Rules, 1972;
- iii. To direct the respondents to fix, draw and disburse the pension and pensionary benefits due to the applicants accordingly, with all consequential benefits including payment of arrears of pension and pensionary benefits with interest at the rate of 12% per annum and to refund the applicants any pension contribution recovered from them with interest @ 12% per annum;
- iv) To grant such other reliefs as may be prayed for and the court may deem fit to grant, and
- v) Grant the costs of this Original Application.”

6. The relief claimed in OA No. 180/356/2018 are as under:

- “I) Declare that the applicant is entitled to reckon his GDS service from the year 1977 along with his regular service as Postman for pensionary benefits and to direct the respondents to grant the pension and other retirement benefits under the Old Pension Scheme with all consequential benefits.

II) To declare that applicant is entitled to be deemed to have been promoted as Postman from the date on which vacancy arose, against which he has actually been appointed, notionally and thus the notional service be counted as qualifying service for pensionary benefits.

III) To issue appropriate orders/directions directing the respondents to grant the applicant the benefit of CCS (Pension) Rules, 1972 treating his GDS service as qualifying for pensionary benefits.

IV) Award costs of and incidental to this application.

VI) Grant such other relief, which this Honourable tribunal may deem fit and proper in the circumstances of the case.”

7. All the applicants commenced their service as ED agents and were later appointed as Postman on various dates. They seek the benefit of the order passed by the Principal Bench of the Tribunal in OA No. 749/2015 wherein it was directed that Gramin Dak Sevaks absorbed as regular Group-D will be granted pension reckoning their Gramin Dak Sevak service. The submit that the same principle must be applied in respect of the Gramin Dak Sevaks appointed as Postman. The applicants are aggrieved by the refusal of the respondents to reckon the service of the applicants as GDS as qualifying service for pension and that Rule 6 of GDS (C&E) Rules is ultra vires, based on which their service is not reckoned for pension. Hence, these Oas.

8. Notices were issued to the parties. They entered appearance through Shri S. Ramesh, ACGSC in OAs Nos. 180/18 & 644/2018, Shri E.N. Hari Menon, ACGSC in OA No. 180/19/2018, Shri C.P. Ravikumar, ACGSC in OA No. 180/35/2018, Shri S.R.K. Prathap, ACGSC in OAs Nos. 180/36, 182 & 356/2018, Shri V.A. Shaji, ACGSC in OAs Nos. 180/37, 320/2018, Shri N. Anilkumar, SCGSC in OAs Nos. 180/49, 184, 322/2018, Shri T.C. Krishna, Sr. PCGC in OA No. 180/321/2018, Mrs. Mini R. Menon, ACGSC

in OA No. 180/332/2018, Shri Thomas Mathew Nellimoottil, Sr. PCGC in OAs Nos. 180/350 & 731/2018 and Shri Brijesh A.S., ACGSC in OA No. 180/636/2018.

9. Almost a common reply have been filed by all the respondents in all the cases. They contend that as per the judgment of the Hon'ble Supreme Court in SLP No. 17035-36 of 2013 (Civil Appeal No. 13675-76 of 2015) it was held by the apex court that the GDS are governed by a separate set of rules and the provisions of the rules governing the GDS stipulated that they GDS are not entitled to pension. Further it was observed that the matter pertains to policy and financial implications. The respondents contend that the issue of counting GDS service towards qualifying service for pension was examined in detail by the Postal Services Board in its 8th meeting held on 30.9.2013 for a policy decision but it was found that there is no provision whatsoever in GDS rules for counting of service as GDS for pension. These rules expressly provide for non-admissibility of pension. The Extra Departmental system (now GDS) was primarily established to provide economical and efficient postal service in rural areas of the country by engaging the GDS for a maximum of five hours a day by paying remuneration on the actual workload assessed from time to time. The livelihood of the GDS and their families is not solely dependent on the allowances paid by the Postal Department and as prime term of their engagement as GDS, they are mandatorily required to possess independent sources of income for adequate means of livelihood for themselves and their family before they can be engaged as GDS. The job profile, working hours,

working conditions, applicability of rules for the regular departmental employees and that of the GDS are altogether different. While the regular departmental employee superannuates on completion of 60 years of age the GDS can enter the service on attaining the age of 18 years and remain in engagement up to 65 years. Therefore, the regular Government employees and GDS are two separate and distinct categories. Further the Hon'ble apex court in *Y. Najithamol & Ors. v. Soumya S.D. & Ors.* dated 12.8.2016 in CA No. 90 of 2015 held that the appointment of GDS as Postman is direct recruitment and not promotion on the ground that the GDS is a civil post but is not a part of the regular service of the Postal Department. Respondents pray for dismissing the OAs.

10. Additional reply statements were filed by the respondents enclosing copy of the orders of this Tribunal in OA No. 180/179/2016 dated 28.1.2019 and 180/29/2017 and connected cases dated 28th February, 2019 as well as judgment of the apex court in *Sr. Superintendent of Post Offices v. Gurusewak Singh & Ors.* - Civil Appeal No. 3150 of 2019 dated 15.3.2019.

11. Heard Mr. M.R. Hariraj, learned counsel for the applicants in OAs Nos. 18, 19, 35, 36, 37, 182, 184, 320, 321, 636, 644 and 731-2018, Mr. C.S.G. Nair, learned counsel for the applicant in OA No. 180-49-2018, Mr. P.A. Kumaran, learned counsel for the applicants in OAs Nos. 180/322 & 350/2018, Mr. Antony Mukkath, learned counsel for the applicant in OA No. 180/332/2018, Mr. Martin G. Thottan, learned counsel for the applicant

in OA No. 180/356/2018, Shri S. Ramesh, ACGSC learned counsel for the respondents in OAs Nos. 180/18 & 644/2018, Shri E.N. Hari Menon, ACGSC learned counsel for the respondents in OA No. 180/19/2018, Shri C.P. Ravikumar, ACGSC learned counsel for the respondents in OA No. 180/35/2018, Shri S.R.K. Prathap, ACGSC learned counsel for the respondents in OAs Nos. 180/36, 182 & 356/2018, Shri V.A. Shaji, ACGSC learned counsel for the respondents in OAs Nos. 180/37, 320/2018, Shri N. Anilkumar, SCGSC learned counsel for the respondents in OAs Nos. 180/49, 184, 322/2018, Shri T.C. Krishna, Sr. PCGC learned counsel for the respondents in OA No. 180/321/2018, Mrs. Mini R. Menon, ACGSC learned counsel for the respondents in OA No. 180/332/2018, Shri Thomas Mathew Nellimoottil, Sr. PCGC learned counsel for the respondents in OAs Nos. 180/350 & 731/2018 and Shri Brijesh A.S., ACGSC learned counsel for the respondents in OA No. 180/636/2018. Perused the records and judgments cited by the parties.

12. The learned counsel for the applicant Shri M.R. Hariraj submitted that there exists a master-servant relationship between the GDS and the Postal Department. In order to support his contention he had relied upon the judgment of the apex court in *V. Subash Chandra Das v. Inspector of Post Offices & Anr.* - 1968 SLR 337, *The State of Assam v. Kanak Chandta Dutta* – AIR 1967 SC 884 and *The Superintendent of Post Offices & Ors. v. P.K. Rajamma* – (1977) 3 SCC 94. In *Kanak Chandta Dutta's* case (supra) the apex court held as under:

“.....In [Art.311](#), a member of a civil service of the Union or an all-India service or a civil service of a State is mentioned separately, and a civil post means a post not connected with defence outside the regular civil services. A post is a service or employment. A person holding a post under a State is a person serving or employed under the State. See the marginal notes- to Arts. 309, 310 and 311. The heading and the subheading of Part XIV and Chapter I emphasise the element of service. There is a relationship of master and servant between the State and a person holding a post under it. The existence of this relationship is indicated by the State's right to select and appoint the holder of the post, its right to suspend and dismiss him, its right to control the manner and method of his doing the work and the payment by it of his wages or remuneration.....”

He submitted that it is thus, clear that extra departmental agents are casual workers who holds civil post under the administrative control of the state and being holder of civil posts they are entitled for similar benefits like pension etc. given to the other civil employees of the Government Department. In order to buttress his argument he had referred to Rule 2 of CCS (Pension) Rules, 1972. It reads thus:

“2. Application

Save as otherwise provided in these rules, these rules shall apply to Government servants appointed on or before 31st day of December, 2003 including civilian Government servants in the Defence Services appointed substantively to civil services and posts in connection with the affairs of the Union which are borne on pensionable establishments, but shall not apply to -

- (a) railway servants ;
- (b) persons in casual and daily rated employment ;
- (c) persons paid from contingencies ;
- (d) persons entitled to the benefit of a Contributory Provident Fund;
- (e) members of the All India Services ;
- (f) persons locally recruited for service in diplomatic, consular or other Indian establishments in foreign countries ;
- (g) persons employed on contract except when the contract provides otherwise ; and
- (h) persons whose terms and conditions of service are regulated by or under the provisions of the Constitution or any other law for the time being in force.”

Thus, learned counsel for the applicant submitted that the GDS post being not in the negative/above list and being a civil post are eligible for pension

and other benefits. He also submitted that non-grant of pension to GDS after rendering service up to 65 years amounts to discrimination under Articles 14 & 16 of the Constitution of India. There cannot be two set of rules for civilian employees.

13. Learned counsel for the applicant further contended that Rule 6 of GDS (Conduct & Employment) Rules, 2001 is ultra vires to the CCS (Pension) Rules, 1972 applicable to the civil post holders as these rules are not even falling under the category of administrative instruction which are issued under Article 77 of the Constitution of India and these rules cannot override the statutory rules i.e. CCS (Pension) Rules, 1972. In this regard he had relied upon the judgment of the apex court in ***K. Kuppusamy & Anr. v. State of Tamil Nadu & Ors.*** - (1998) 8 SCC 469 wherein the apex court held as under:

“3. The short point on which these appeals must succeed is that the Tribunal fell into an error in taking the view that since the Government had indicated its intention to amend the relevant rules, its action in proceeding on the assumption of such amendment could not be said to be irrational or arbitrary and, therefore, the consequential orders passed have to be upheld. We are afraid this line of approach cannot be countenanced. The relevant rules, it is admitted, were framed under the proviso to [Article 309](#) of the Constitution. They are statutory rules. Statutory rules cannot be overridden by executive orders or executive practice. Merely because the Government had taken a decision to amend the rules does not mean that the rule stood obliterated. Till the rule is amended, the rule applies. Even today the amendment has not been effected. As and when it is effected ordinarily it would be prospective in nature unless expressly or by necessary implication found to be retrospective. The Tribunal was, therefore, wrong in ignoring the rule.”

as well as the judgment in ***Dr. Rajinder Singh v. State of Punjab & Ors.*** - (2001) 5 SCC 482 wherein it is held as under:

“7. The settled position of law is that no Government Order, Notification or Circular can be a substitute of the statutory rules framed with the authority of law. Following any other course would be disastrous inasmuch

as it would deprive the security of tenure and right of equality conferred upon the civil servants under the constitutional scheme. It would be negating the so far accepted service jurisprudence. We are of the firm view that the High Court was not justified in observing that even without the amendment of the rules, the Class II of the service can be treated as Class I only by way of notification. Following such a course in effect amounts to amending the rules by a Government Order and ignoring the mandate of [Article 309](#) of the Constitution.”

14. On the contrary, Shri T.C. Krishna, Sr. PCGC submitted that this Tribunal had already decided this issue in OA No. 179 of 2016 wherein the relief of claiming parity in service condition of the GDS with that of Central Government servant have been rejected relying upon the judgment of the apex court in *Najithamol's* case (supra) as well as the order passed by the Full Bench of the Ernakulam Bench of the Tribunal in the case of *M.A. Mohanan v. The Senior Superintendent of Post Offices & Ors.* - OA No. 807 of 1999 decided on 3.11.1999. Learned counsel relied on the orders passed by this Tribunal in OA No. 180/179/2016 – *Surendran Nair S. v. Union of India & Ors.*, dated 28.1.2019, OA No. 180/993/2015 – *K.K. Rajan v. Union of India & Ors.*, dated 22nd December, 2017, OA No. 180/249/2017 – *Riji K.G. & Ors. v. Union of India & Ors.*, dated 16.3.2018 and in OA No. 180/29/2017 & connected cases dated 28.2.2019 and submitted that the parity in service condition of the GDS with Central Government civil service had not been accepted by the Tribunal. He further relied upon the decision of the apex court in Civil Appeal No. 3150 of 2019 – *Sr. Superintendent of Post Offices v. Gursewak Singh & Ors.*, dated 15.3.2019 and submitted that GDS are not entitled for gratuity which is meant for the employees of regular establishment and GDS service is outside of that.

15. Lastly it is submitted by the learned counsel for the respondents that the Government had already introduced a new Service Discharge Benefit Scheme (SDBS), 2011 w.e.f. 1.4.2011 for Gramin Dak Sevaks in consultation with Pension Fund Regulatory and Development Authority based on NPS Lite Scheme, 2010 introduced by PFRDA vide Government of India, Department of Posts No. 6-11/2009-P.E. II dated 1.4.2011.

16. We are not in agreement with the contentions of the learned counsel for the applicants Shri M.R. Hariraj as in Rule 2 of CCS (Pension) Rules, 1972 the words used are “Government servant appointed substantively to civil service”. The GDS though holder of civil post have never been appointed substantively on a regular civil establishment. They hold civil post outside the regular civil establishment until they are appointed on the regular post of MTS/Postman on regular basis under the Recruitment Rules, made under Article 309 of the Constitution of India. Therefore, merely GDS post is not reflected under the negative list of Rule 2 of CCS (Pension) Rules, 1972 does not make any difference as this rule is meant for regular holder of civil post in connection with the affairs of the Union. This view has already been reflected by the Cuttack Bench of the Tribunal in **Anam Mallik & Ors. v. Union of India & Ors.** - (1995) 30 ATC 380 wherein it is held as under:

“Classification of ED agent as separate class of holders of civil post is a reasonable classification having nexus to the object sought to be achieved – Does not offend Articles 14 & 16 of the Constitution of India – Hence prayer of E.D agents that a direction be issued to the Central Government to treat them as members of regular civil service rejected – P&T E.D. Agents (Conduct and Service) Rules, 1964.”

17. In ***M.A. Mohanan***'s case (supra) this Tribunal held as under:

“As the name itself indicates, EDAs are not departmental employees. They become departmental employees from the date of their regular absorption as such. And promotions are only for departmental employees. Therefore, EDAs cannot be treated as 'promoted' as Postmen. They can be treated as only appointed as Postmen. It is further seen from instructions of Director General Posts under Rule 4 of Swamy's publication referred to earlier that EDAs service are terminated on appointment as Postman and hence they become eligible for ex gratia gratuity. If the recruitment of EDAs as Postman is treated as a promotion, the question of termination will not arise. This also leads one to conclude that the recruitment of EDAs Postman cannot be treated as one of promotion.

18. In the judgment of the apex court in SLP No. 17035-36/2013 (Civil Appeal No. 13675-676/2015) – ***Union of India & Ors. v. The Registrar & Anr.*** wherein it is held as under:

“6. Reading the order(s) of the learned Tribunal and the High Court, we find that the direction in question has been issued on the basis of a Circular of the 3 DOP&T issued in the year 1991 which provides service rendered by an Extra Departmental Agent to the extent of 50% of the period thereof to be added to the period of regular service for the purpose of entitlement to pension.

7.

8. Considering the fact that the DOP&T Circular, 1991, which form the basis of the impugned direction of the learned Tribunal as affirmed by the High Court, pertained to full time casual employees to which category the second respondent does not belong and the provisions of the Rules governing the conditions of service of the respondent as noted above, we are of the view that the impugned directions ought not to have been passed by the learned Tribunal and approved by the High Court. The matter pertains to policy and involves financial implications. That apart, in view of the facts placed before us, as noted above, we deem it proper to interfere with the impugned directions and allow these appeals filed by the Union of India. We, however, make it clear that the pension granted to the second respondent will not be affected by this order and the said respondent will continue to enjoy the benefit of pension in accordance with the provisions of law.”

19. In ***C.C. Padmanabhan & Ors. v. Director of Public Instructions & Ors.***- 1980 (Supp) SCC 668, the Hon'ble apex court held as under:

“Promotion' as understood in ordinary parlance and also as a term frequently used in cases involving service laws means that a person already holding a position would have a promotion if he is appointed to another post which satisfies either of the two conditions namely that the new post

is in higher category of the same service or class. Applying the above criteria appointment as Postman from EDA cannot be termed as promotion as the posts of Postman and EDA belong to two different services viz. regular Postal Service' and 'Extra Departmental Postal Service”

20. Promotion to a post, can only happen when the promotional post and the post being promoted from are a part of the same class of service. Gramin Dak Sevak is a civil post, but is not a part of the regular service of the postal department. In the case of *Union of India v. Kameshwar Prasad* – (1997)

11 SCC 650 this Court held as under:

“2. The Extra Departmental Agents system in the Department of Posts and Telegraphs is in vogue since 1854. The object underlying it is to cater to postal needs of the rural communities dispersed in remote areas. The system avails of the services of schoolmasters, shopkeepers, landlords and such other persons in a village who have the faculty of reasonable standard of literacy and adequate means of livelihood and who, therefore, in their leisure can assist the Department by way of gainful avocation and social service in ministering to the rural communities in their postal needs, through maintenance of simple accounts and adherence to minimum procedural formalities, as prescribed by the Department for the purpose. [See: Swamy's Compilation of Service Rules for Extra Departmental Staff in Postal Department p. 1.]”

21. Further, a three-judge Bench of this Court in the case of *The Superintendent of Post Offices & Ors. v. P.K. Rajamma* - (1977) 3 SCC 94

held as under:

“It is thus clear that an extra departmental agent is not a casual worker but he holds a post under the administrative control of the State. It is apparent from the rules that the employment of an extra departmental agent is in a post which exists "apart from" the person who happens to fill it at any particular time. Though such a post is outside the regular civil services, there is no doubt it is a post under the State. The tests of a civil post laid down by Court in Kanak Chandra Dutta's case (supra) are clearly satisfied in the case of the extra departmental agents.”

22. In *State of Assam & Ors. v. Shri Kanak Chandra Dutta* – 1967 AIR 884, the apex court held as under:

“A post under the State is an office or a position to which duties in connection with the affairs of the State are attached, an office or a position to which a person is appointed and which may exist apart from and

independently of the holder of the post. [Article 310\(2\)](#) contemplates that a post may be abolished-and a person holding a post may be required to vacate the post, and it emphasises the idea of a post existing apart from the holder of the post. A post may be created before the appointment or simultaneously with it. A post is an employment, but every employment is not a post. A casual labourer is not the holder of a post. A post under the State means a post under the administrative control of the State. The State may create or abolish the post and may regulate the conditions of service of persons appointed to the post.”

A perusal of the above judgments of this Court make it clear that Extra Departmental Agents are not in the regular service of the postal department, though they hold a civil post.

23. Further the Hon'ble apex court in *Najithamol's* case (supra) held as under:

“5. The essential question of law which arises for our consideration in the instant case is whether the appointment of the appellants to the post of Postman is by way of direct recruitment or by promotion.

.....
A careful reading of the above Column makes it clear that essentially two ‘pools’ are envisaged from which appointments to the post of Postman can be made. One is the pool of those candidates who are being promoted, and the other is the pool of the Extra Departmental Agents who are appointed to the said post after passing a departmental examination. 50% of the candidates being appointed to the post of Postman are selected by way of promotion. The remaining 50% of the candidates are selected in two ways. 25% of the candidates are selected from amongst the Extra Departmental Agents on the basis of their seniority in service, and the other 25% candidates are selected from the Extra Departmental Agents based on their merit in the Departmental Examination.

.....
The post in the instant case, that of Postman is a Group ‘C’ post. Thus, it is quite natural that ‘promotion’ to the said post can happen only from the feeder post, which in the instant case, are the Group ‘D’ posts. Admittedly, GDS is not a Group ‘D’ post, and members of GDS are merely Extra Departmental Agents.

.....
12.The language of Column 11(1) itself makes this crystal clear. The use of the words ‘failing which’ makes it obvious that there is a distinction between those candidates who are being selected by way of promotion, and the candidates who are Extra Departmental Agents and have cleared the departmental examination, and that the latter will be considered for appointment only if there are no eligible candidates under the former category. Thus, the appointment of GDS to the post of Postman can only be said to be by way of direct recruitment and not promotion.”

24. The *Anam Mallik's* case (supra) held that classification of ED agent as separate class of holders of civil post is a reasonable classification having nexus to the object sought to be achieved and it does not discriminate in terms of Articles 14 and 16 of the Constitution. Further in *Kameshwar Prasad's* case (supra) it was held that the Extra Departmental Agents system is in practice since ages to service the postal needs in rural communities dispersed in remote areas. The system avails of the services of schoolmasters, shopkeepers, landlords and such other persons in a village who have the faculty of reasonable standard of literacy and adequate means of livelihood and who, therefore, in their leisure can assist the Department by way of gainful avocation and social service in ministering to the rural communities in their postal needs, through maintenance of simple accounts and adherence to minimum procedural formalities etc.

25. Further in *P.K. Rajamma's* case (supra) it was held that extra departmental agent holds a post under the administrative control of the State but is outside the regular civil services. In *M.A. Mohanan's* case (supra) it was held that Extra Departmental Agents are not departmental employees and becomes regular employees only after absorption. The apex court in *C.C. Padmanabhan's* case (supra) held that GDS is not the feeder category for promotion to the post of Postman and both belongs to two different services viz. 'Regular Postal Service' and 'Extra Departmental Postal Service'. Similar view was taken by the apex court in *Najithamol's* case (supra) that GDS to Postman/Postal Assistant/MTS is direct recruitment and in *Gursewak Singh's* case supra that GDS post is outside the regular

establishment.

26. In the entire gamut of facts, circumstances and legal position discussed above, we are of the view that there is nothing much left to be interpreted by this Tribunal. Though the Gramin Dak Sevaks are civil post holders, they are outside the regular civil establishment and therefore, cannot be equated being a different class altogether. Unequal cannot be equated with equals. Therefore, the service rendered by the applicants as Gramin Dak Sevaks cannot be treated for pensionary benefits.

27. Hence, we hold that the present Original Applications are having no merit whatsoever and are liable to be rejected. Accordingly, the OAs are dismissed. Parties shall bear their own costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

“SA”

Original Application No. 180/00018/2018

1. Annexure A1 – True copy of the judgment dated 17.11.2016 in OA No.749/2015 and connected cases.
2. Annexure R1 - True copy of the Judgment of the Hon'ble Supreme Court dated 12.08.2016 in the case of Y.Najithamol & Ors Vs Soumya S.D & Ors.
3. Annexure R2 - True copy of the order dated 22.02.2017 of Hon'ble Tribunal in OA No.993/2015 filed by K K Rajan.
4. Annexure R3 - True copy of order dated 16.03.2018 of Hon'ble Tribunal in OA No.249/2017 filed by Riji K.G. & Others.
5. Annexure R4 - True copy of order dated 28.01.2019 in OA No.179/2016 filed by Shri Surendran Nair S.
6. Annexure R5 - True copy of common order dated 28.02.2019 in OA 29/2017 & conn. cases.
7. Annexure R6 - True copy of judgment dated 15.03.2019 of the Hon'ble Apex Court in CA No.3150/2019.

Original Application No. 180/00019/2018

1. Annexure A1 - True copy of the judgment dated 17.11.2016 in OA No.749/2015 and connect cases.
2. Annexure R1 - True copy of the judgment of the Hon'ble Supreme Court dated 12.08.2016 in the case of Y.Najithamol & Ors Vs. Soumya S.D & Ors.
3. Annexure R2 - True copy of order dated 22.12.2017 in OA No.993/2015 filed by K.K.Rajan.
4. Annexure R3 - True copy of order dated 16.03.2018 in OA No.249/2017 filed by Riji K G & others.
5. Annexure R4 – True copy of order dated 28.01.2019 in OA 179/2016.
6. Annexure R5 - True copy of common order dated 28.02.2019 in OA 29/2017 & conn. cases.
7. Annexure R6 - True copy of judgment dated 15.03.2019 of the Hon'ble Apex Court in CA No.3150/2019.

Original Application No. 180/00035/2018

1. Annexure A1 - True copy of the judgment dated 17.11.2016 in OA No.749/2015 and connected cases.
2. Annexure R1(a) - True copy of the Judgment in SLP No.17035-36/2013.
3. Annexure R1(b) - True copy of the order in OA No.1192/2012.
4. Annexure R1(c) - True copy of the order in OA No.151/2013.
5. Annexure R1(d) - True copy of the notification No.SRO 609 dated 28.2.1957.
6. Annexure R1(e) - True copy of judgment dated 08.03.2019 in WP 5305/2018.
7. Annexure R1(f) - True copy of order dated 28.01.2019 in OA 179/2016.
8. Anneuxre R1(g) - True copy of common order dated 28.02.2019 in OA 29/2017 & connected cases.
9. Annexure R1(h)- True copy of judgment dated 15.03.2019 of the Hon'ble Apex Court in CA No.3150/2019.

Original Application No. 180/00036/2018

1. Annexure A1 – True copy of the judgment dated 17.11.2016 in OA No.749/2015 and connected cases.
2. Annexure R1 - True copy of the Judgment in SLP No.17035-36/2013.
3. Annexure R2 - True copy of the order dated 18/03/2014 in OA 1191/2012 of this Hon'ble Tribunal.
4. Annexure R3 – True copy of the order dated 05.08.2014 in OA 151/2013.
5. Annexure R4 – True copy of the Notification No.SRD 609/28/2/1957.
6. Annexure R5 - True coy of judgment dated 08.03.2019 in WP 5305/2018.
7. Annexure R6 – True copy of order dated 28.01.2019 in OA 179/2016.

8. Annexure R7 - True copy of common order dated 28.02.2019 in OA 29/2017 & connected cases.

9. Annexure R8 - True copy of judgment dated 15.03.2019 of the Hon'ble Apex court in CA No.3150/2019.

Original Application No. 180/00037/2018

1. Annexure A1 – True copy of the judgment dated 17.11.2016 in OA No.749/2015 and connected cases.

2. Annexure R1 - True copy of the Judgment of the Supreme Court in Civil Appeal No.13675-76 of 2015.

3. Annexure R2 - True copy of the order of Hon'ble Tribunal, Ernakulam Bench in OA 1191/2012.

4. Annexure R3 – True copy of the order of the Hon'ble Tribunal, Ernakulam Bench in OA 151/2013.

5. Annexure R4 – True copy of the MHA Notification No.SRO 609 dated 28/02/1957.

6. Annexure R5 - True copy of judgment dated 08.03.2019 in WP 5305/2018.

7. Annexure R6 – True copy of order dated 28.01.2019 in OA 179/2016.

8. Annexure R7 - True copy of common order dated 28.02.2019 in OA 29/2017 & connected cases.

9. Annexure R8 - True copy of judgment dated 15.03.2019 of the Hon'ble Apex court in CA No.3150/2019.

Original Application No. 180/00049/2018

1. Annexure A1 – True copy of the PPO No.13320/LPS/TVM by the 4th respondent.

2. Annexure A2 - True copy of the representation dated 16.11.2016 along with English Translation.

3. Annexure A3 - True copy of the representation dated 5.1.2017.

4. Annexure A4 - True extract of the Order dated 17.11.2016 in OA No.749/2015.

5. Annexure A5 - True copy of the representation dated 15.07.2017.
6. Annexure R1 - True copy of the judgment of the Hon'ble Apex Court in SLP No.17035-36 of 2013 (Civil Appeal No.13675-76 of 2015)
7. Annexure R2 - True copy of the order dated 18.03.2014 in OA No.1191/2012 of this Hon'ble Tribunal.
8. Annexure R3 – True copy of the order dated 05.08.2014 in OA No.151/2013 of this Hon'ble Tribunal.
9. Annexure R4 – True copy of the Notification No.SRO 609 dated 28.02.1957 at Serial (I) of the list.
10. Annexure R5 – True copy of judgment dated 08.03.2019 in WP 5305/2018.
11. Annexure R6 - True copy of order dated 28.01.2019 in OA 179/2016.
12. Annexure R7 - True copy of common order dated 28.02.2019 in OA 29/2017 & connected cases.
13. Annexure R8 - True copy of judgment dated 15.03.2019 of the Hon'ble Apex Court in CA No.3150/2019.

Original Application No. 180/00182/2018

1. Annexure A1 - True copy of the judgment dated 17.11.2016 in OA No.749/2015 and connected cases on the file of the Central Administrative Tribunal, Principal Bench.
2. Annexure R1 - True copy of SLP No.17035-36 of 2013.
3. Annexure R2 – True copy of order dated 18.03.2014 in OA No.1191/2012.
4. Annexure R3 – True copy of order dated 5.8.2014 in OA No.151/2013.
5. Annexure R4 – Copy of MHA Notification No.SRO 609 dated 28.02.1957 (Extract of CCS (CCA) Rules).
6. Annexure R5 – True copy of judgment dated 08.03.2019 in WP 5305/2018.
7. Annexure R6 – True copy of order dated 28.01.2019 in OA 179/2016.

8. Annexure R7 – True copy of common order dated 28.02.2019 in OA 29/2017 & connected cases.

9. Annexure R8 – True copy of judgment dated 15.03.2019 of the Hon'ble Apex Court in CA No.3150/2019.

Original Application No. 180/00184/2018

1. Annexure A1 - True copy of the judgment dated 17.11.2016 in OA No.749/2015 and connected cases on the file of the Central Administrative Tribunal, Principal Bench.

2. Annexure R1 - True copy of the judgment of the Hon'ble Apex Court in SLP No.17035-36 of 2013 (Civil Appeal No.13675-76 of 2015).

3. Annexure R2 - True copy of the order dated 18.03.2014 in OA No.1191/2012 of this Hon'ble Tribunal.

4. Annexure R3 - True copy of the order dated 05.08.2014 in OA No.151/2013 of this Hon'ble Tribunal.

5. Annexure R4 - True copy of the Notification No.SRO 609 dated 28.02.1957 at Serial (i) of the list.

6. Annexure R5 - True copy of judgment dated 08.03.2019 in WP 5305/2018.

7. Annexure R6 - True copy of order dated 28.01.2019 in OA 179/2016.

8. Annexure R7 - True copy of common order dated 28.02.2019 in OA 29/2017 & connected cases.

9. Annexure R8 - True copy of judgment dated 15.03.2019 of the Hon'ble Apex Court in CA No.3150/2019.

Original Application No. 180/00320/2018

1. Annexure R1 – True copy of the judgment of the Hon'ble Supreme Court dated 12.8.2016 in the case of Y.Najithamol & Ors Vs. Soumya S.D & Ors.

2. Annexure R2 - True copy of order dated 22.12.2017 in OA No.993/2015 filed by K.K.Rajan.

3. Annexure R3 - True copy order dated 16.03.2018 in OA No.249/2017 filed by Riji K.G. & others.

4. Annexure R4 - True copy of order dated 28.01.2019 in OA 179/2016.
5. Annexure R5 - True copy of common order dated 28.02.2019 in OA 29/2017 and connected cases.
6. Annexure R6 - True copy of judgment dated 15.03.2019 of the Hon'ble Apex Court in C.A.No.3150/2019.

Original Application No. 180/00321/2018

1. Annexure R1 - True copy of judgment of Supreme Court in SLP No.17035-36 of 2013.
2. Annexure R2 - True copy of the order of Central Administrative Tribunal dated 18/3/2014 in OA No.1191/2012.
3. Annexure R3 - True copy of the order of Central Administrative Tribunal dated 05.08.2014 in OA No.151/2013.
4. Annexure R4 - True copy of Notification of Ministry of Home Affairs SRO 609 dated 28.02.1957.
5. Annexure R5 - True copy of judgment dated 08.03.2019 in WP 5305/2018.
6. Annexure R6 - True copy of order dated 28.01.2019 in OA 179/2016.
7. Annexure R7 - True copy of common order dated 28.02.2019 in OA 29/2017 & connected cases.
8. Annexure R8 - True copy of judgment dated 15.03.2019 of the Hon'ble Apex Court in CA No.3150/2019.

Original Application No. 180/00322/2018

1. Annexure A1 – True copy of memo dated 27-10-2015 issued by the 4th respondent.
2. Annexure A2 - True copy of memo dated 4-12-2010 issued by the 4th respondent.
3. Annexure A3 - True copy of the letter of appointment of the 4th applicant as GDS.
4. Annexure A4 - True copy of the order dated 16.08.2013.
5. Annexure A5 – True copy of the order dated 28.04.1986.

6. Annexure A6 - True copy of memo dated 16.10.2015 issued by the 4th respondent.
7. Annexure A7 - True copy of the final order dated 17.11.2016 in OA 749/2015.
8. Annexure R1 - True copy of the judgment in SLP No.17035-36 of 2013 (Civil Appeal No.13675-76 of 2015).
9. Annexure R2 - True copy of the order in OA No.1191/2012.
10. Annexure R3 - True copy of the order in OA No.151/2013.
11. Annexure R4 - True copy of MHA Notification No. SRO 609 dated 28.02.1957.
12. Annexure R5 - True copy of judgment dated 08.03.2019 in WP 5305/2018.
13. Annexure R6 - True copy of order dated 28.01.2019 in OA 179/2016.
14. Annexure R7 - True copy of common order dated 28.02.2019 in OA 29/2017 & connected cases.
15. Annexure R8 - True copy of judgment dated 15.03.2019 of the Hon'ble Apex Court in CA No.3150/2019.

Original Application No. 180/00332/2018

1. Annexure A1 – Copy of the relevant pages of Divisional Seniority List of GDS as on 01.01.2011 of the 1st respondent.
2. Annexure A2 – Copy of the Memo No.B2/Rectt/MTS/2011 dated 09.07.2013 of the 1st respondent.
3. Annexure A3 - Copy of the Memo No. B2/Rectt/ MTS/2011 dated 22.07.2013 of the 1st respondent.
4. Annexure A4 - Copy of the Order dated 17.11.2016 in O.A.No.749 of 2015 and connected cases (excluding pages 2 to 320 which contains the names and address of applicants 4 to 106) of the Principal Bench of this Hon'ble Tribunal.
5. Annexure R1 - A true copy of the judgment of the Hon'ble Supreme Court dated 12.8.2016 in the case of Y.Najithamol & Ors Vgs. Soumya S.D. & Ors.

6. Annexure R2 - Copy of order dated 22.12.2017 in OA No.993/2015 filed by K.K.Rajan.
7. Annexure R3 - Copy of order dated 16.03.2018 in OA No.249/2017 filed by Riji K.G & others.
8. Annexure R4 - Copy of order dated 28.01.2019 in OA 179/2016.
9. Annexure R5 - Copy of the common order in OA No.29/2017 & connected cases dated 28.02.2019.
10. Annexure R6 - Copy of the judgment of the Apex Court in CA No.3150/2019 dated 15.03.2019.

Original Application No. 180/00350/2018

1. Annexure A1 - True copy of the charge report.
2. Annexure A2 - True copy of memo no.B/VS dated 20-4-2010 issued by the 4th respondent.
3. Annexure A3- True copy of the pension payment order of the 1st applicant.
4. Annexure A4- True copy of the order no.ASP(E)/Rectt/Group D/2010-11 dated 21-4-2011 issued by the 5th respondent.
5. Annexure A5 - True copy of the charge report dated 11-1-1979.
6. Annexure A6 - True copy of memo dated 16-7-2010 issued by the 4th respondent.
7. Annexure A7 - True copy of the addendum memo dated 16-7-2010 issued by the 4th respondent.
8. Annexure A8 - True copy of the memo dated 1-4-2015 issued by the 4th respondent.
9. Annexure A9 - True copy of memo dated 24.11.2016 issued by the 4th respondent.
11. Annexure A10 - True copy of the final order dated 17.11.2016 in O.A.No.749/2015.
12. Annexure R1 - True copy of Judgment in SLP 17035-36 of 2013 of the Hon'ble Supreme Court of India.
13. Annexure R2- True copy of Order dated 18.03.2014 in O.A.No.1191/2012 of Hon'ble CAT Ernakulam.

14. Annexure R3- True copy of Order dated 05.08.2014 in O.A No.151/2013 of Hon'ble CAT Ernakulam.
15. Annexure R4 - MHA notification No.SRO 609 dated 28.02.1957.
16. Annexure R5 - True copy of judgment dated 08.03.2019 in WP 5305/2018.
17. Annexure R6 - True copy of order dated 28.01.2019 in OA 179/2016.
18. Annexure R7 - True copy of common order dated 28.02.2019 in OA 29/2017 & connected cases.
19. Annexure R8 - True copy of judgment dated 15.03.2019 of the Hon'ble Apex Court in CA No.3150/2019.

Original Application No. 180/00356/2018

1. Annexure A1: True copy of the appointment order No.BB.14/Ch.IX dated 18.05.2016.
2. Annexure A2: True extracted copy of seniority list No.BB4/Seniority list dated 11.10.2002.
3. Annexure R1- True copy of the judgment of the Hon'ble Supreme Court dated 12.8.2016 in the case of Y.Najithamol & Ors Vs. Soumya S.D. & Ors.
4. Annexure R2 – True copy of order dated 22.12.2017 in OA No.993/2015 filed by K.K.Rajan.
5. Annexure R3 - True copy of order dated 16.03.2018 in OA No.249/2017 filed by Riji K.G. 7 others.
6. Annexure R4 - True copy of order dated 28.01.2019 in OA 179/2016.
7. Annexure R5 - True copy of common order dated 28.02.2019 in OA 29/2017 & conn. cases.
8. Annexure R6 - True copy of judgment dated 15.03.2019 of the Hon'ble Apex Court in CA No.3150/2019.

Original Application No. 180/00636/2018

1. Annexure R1 – True copy of letter No.4-28/03-Pen dated 17.12.2003.

2. Annexure R2 - True copy of Judgment in S.L.P. 17035-36 of 2013 of the Hon'ble Supreme Court of India.
3. Annexure R3 - True copy of Order dated 18.03.2014 in OA No.1191/2012 of Hon'ble CAT Ernakulam.
4. Annexure R4 - True copy of Order dated 05.08.2014 in OA No.151/2013 of Hon'ble CAT Ernakulam.
5. Annexure R5 - MHA notification No.SRO 609 dated 28.02.1957.
6. Annexure R6 - True copy of judgment dated 08.03.2019 in WP 5305/2018.
7. Annexure R7 - True copy of order dated 28.01.2019 in OA 179/2016.
8. Annexure R8 - True copy of order common order dated 28.02.2019 in OA 29/2017 and connected cases.
9. Annexure R9 - True copy of judgment dated 15.03.2019 of the Hon'ble Apex Court in CA No.3150/2019.

Original Application No. 180/00644/2018

1. Annexure R1 – True copy of the judgment of the Hon'ble Supreme Court dated 12.08.2016 in the case of Y.Najithamol & Ors Vs. Soumya S.D. & Ors.
2. Annexure R2- True copy of order dated 22.12.2017 in O.A.No.993/2015 filed by K.K.Rajan.
3. Annexure R3 – True copy of order dated 16.03.2018 in O.A.No.249/2017 filed by Riji KG & others.
4. Annexure R4 – True copy of order dated 28.01.2019 in OA No.179/2016 filed by Shri Surendran Nair S.
5. Annexure R5 – True copy of common order dated 28.02.2019 in OA 29/2017 & conn. Cases.
6. Annexure R6 - True copy of judgment dated 15.03.2019 of the Hon'ble Apex Court in CA No.3150/2019.

Original Application No. 180/00731/2018

1. Annexure R1 – True copy of the judgment of the Hon'ble Supreme Court dated 12.08.2016 in the case of Y.Najithamol & Ors Vs. Soumya S.D

& Ors.

2. Annexure R2 – True copy of order dated 22.12.2017 in O.A.No.993/2015 filed by K.K.Rajan.
3. Annexure R3 – True copy of order dated 16.03.2018 in O.A.No.249/2017 filed by Riji K.G. & others.
4. Annexure R4 – True copy of order dated 28.01.2019 in OA 179/2016.
5. Annexure R5 - True copy of common order dated 28.02.2019 in OA 29/2017 & conn. Cases.
6. Annexure R6 – True copy of judgment dated 15.03.2019 of the Hon'ble Apex Court in CA No.3150/2019.

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