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**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00467/2017

Monday, this the 24th day of June, 2019

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

Venkatasubramanian.R

Aged 39 years, S/o.K.S.Renganthan

Postal Assistant, Vadackancherry 678 683

Residing at Vijayrang, Anjumoorthy

Palakkad – 678 682

..... **Applicant**

(By Advocate Mr.C.P.Johny)

V e r s u s

1. Union of India represented by
Secretary, Department of Posts
New Delhi – 110 001
2. The Chief Postmaster General
Kerala Circle Thiruvananthapuram – 695 037
3. The Postmaster General Northern Region
Kozhikode – 673 011
4. The Senior Superintendent
of Post Office Palakkad Division
Palakkad – 678 001

..... **Respondents**

(By Advocate – Mrs.Mini.R.Menon, ACGSC)

This Original Application having been heard on 12.6.2019, the Tribunal on 24.6.2019 delivered the following:

ORDER

Per: Mr.E.K.Bharat Bhushan, Administrative Member

This Original Application is filed by Mr.Venkatasubramanian.R, Postal Assistant at Palakkad Postal Division praying for a declaration that the he is eligible to be included in the old pension scheme under CCS Pension Rules,

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1972 and to declare that the Group D service rendered by him in Army Postal Service should be counted towards his pensionable service.

2. While working as Extra Departmental Packer-cum-Mail Carrier in Palghat Postal Division, the applicant was deputed to Army Postal Service (APS) after being promoted as Group-D on 16.8.2000 (Annexure A-1). During the service in APS, he successfully appeared in the competitive examination held for promotion to the cadre of Postman and succeeded (Annexure A-5). He continued in the Army up to 31.12.2006. Applicant claims that he had served in APS for a period of 6 years 4 months and 16 days. He joined at Palakkad H.O as Postman trainee on 10.1.2007 and later he was again promoted as Postal Assistant w.e.f 12.7.2012. Presently he is working as Postal Assistant in Palakkad Postal Division.

3. According to Rule 13 of Central Civil Service Pension Rules as well as Government of India, Ministry of Finance O.M dated 3.2.1962, his service period in the Army had to be counted as qualifying service for old pension scheme under CCS Pension Rules, 1972. However, the respondents denied the old pension and included him in the new pension scheme. Hence approached this Tribunal for redressal of his grievances.

4. When the matter was taken up on 12.6.2019, learned counsel for the respondents Mrs.Mini.R.Menon,ACGSC filed an affidavit along with Annexure R5 Directorate Letter No.47-01/2003/SPB-I dated 12.6.2017 as Bench mark. It is submitted therein that the APS service of the applicant has

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been verified and is included in the report of the committee constituted for the purpose and forwarded to Directorate for approval as per the instructions from Directorate. The Committee constituted for the purpose has to scrutinize the service particulars and send the report to Postal Directorate/APS Directorate.

5. In view of the above submissions in the affidavit, this Tribunal is of the view that this Original Application can be disposed of with a direction to the respondents to complete the above mentioned process for granting the relief as claimed by the applicant within forty five days from the date of receipt of a copy of this order. Ordered accordingly.

6. The Original Application is disposed of as above. No costs.

(E.K BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

List of Annexures

- Annexure A1 - Copy of the Memo No.B1/15/GL/111 dated 11.8.2000 issued by Sr.Suptd. of Post Offices Palakkad Division, Palakkad
- Annexure A2 - Copies of the half yearly statement for the period ending February 2001 and August 2001 issued by office of the Director of Account (Postal) Nagpur 440 001 dated 4.5.2001
- Annexure A3 - Movement order dated 14.2.2004 issued by officer commanding 2 Mtr Div.postal unit C/o.99 APO
- Annexure A4 - Movement order dated 30.6.2006 issued by commandant central base post office C/o.56 APO
- Annexure A5 - Certificate issued by Sr.Suptd of Post Offices Palakkad Division under No.B2/APS dated 21.7.2006
- Annexure A6 - Copy of combined certificate of discharge and recommendation for civil employment issued by O.I.C APS records Kamptee C/o.56 APO
- Annexure A7 - Sr.Suptd. Of Post Offices, Palakkad memo No.B2/Postman directing the applicant to join Palakkad Head Post Office as postman.
- Annexure A8 - Copy of the charge report showing the applicant joined Palakkad Head Post Office on 10.1.2007
- Annexure A9 - Copy of the pay slip I/r applicant for the month of January 2007
- Annexure A10 - Copy of rule 13 of CCS Pension Rules copies from Swamy's Pension Compilation
- Annexure A11 - Copy of G.I.M.F OM No.F3(58)-EV(A) 61 dated the 3rd February 1962 copies from amy's Pension Compilation
- Annexure A12 - Copy of the judgment of Punjab and Hariyana High Court dated 31.8.2010 in Harbans Lal V/s the States of Punjab and others
- Annexure A13 - Copies of 3(three) RTI applications and their replies received from Suptd. Of Post Offices Karimnagar division and Senior Suptd of Post Offices Dehadum Division and senior Suptd. Of post offices Namakkal Division
- Annexure A14 - Copy of order of this Honourable Tribunal dated 19.1.2017 in OA 180/000/18/2015 Amrithraj and another

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Annexure A15 - Copy of the representation dated 11.11.2013 and reply received from respondents

Annexure A16 - Copy of the reply received in response to Annexure A15 representation

Annexure A17 - Copy of the D.G Post New Delhi order No.47-1 (2003-SPB-1 dated 13.6.2007)

Annexure R1 - True copy of the instructions/guidelines issued by Department of Posts, New Delhi in letter No.47-4/96-SPB dated 28.5.1997

Annexure R2 - A copy of the letter No.56273/AP-2/R-54 dated 24.6.1997 of APS head quarters

Annexure R3 - A true copy of the declaration submitted by the applicant

Annexure R4 - A copy of the interim stay granted by Hon'ble High Court in OP(CAT) 218/2017

Annexure A-18 - True copy of letter No.47-01/2003-SPB-1 dated 12.6.2017 circulated by Director (SPN)

Annexure R5 - True copy of Directorate Letter No.47-01/2003-SPB-1 dated 12.6.2017

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