

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

M.A.No.177/2019 in & O.A.No.310/00386/2019

Dated Friday, the 22nd day of March, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

1. M. Narayanan
2. J. Gopalakrishnan
3. C. Anandakumar
4. D. Rajasekar
5. M.K. Deivakanthi
6. C.T. Ponni
7. S. Gajaraj
8. G. Mahimaidoss
9. J. Balu
10. K. Alamelu
11. M. Thangapandy
12. T. Samuel Dhanraj
13. G. Sekar
14. V. Ananthappan
15. A. Kavitha
16. K. Dhandapani
17. G. Kuppuraj
18. K. Ravichandrakumar

19. P. Jayakanthan
20. A. Sankar
21. S. Ganesan
22. P. Sukumar
23. A.K. Padmini
24. D. Dominic Savio
25. A. Arul
26. V. Sukumar
27. M.P. Subramanian
28. R. Raghu
29. A. Palani
30. R. Baskar
31. B. Ramesh
32. L. Chandrasekaran
33. M. Paragunan
34. V. Vasantha
35. R. John Rosary Joseph
36. R. Humayun Kabir
37. T. Elumalaivasan
38. E. Govindasamy
39. B. Devaraj
40. G. Elumalai
41. V. Settu
42. B. Jayakumar
43. K. Sathish Kumar
44. G. Kandhan

45. P. Venkatesan
46. N. Venkatesan
47. S. Mohandass
48. N. Adhikesavan
49. V. Abirami
50. G. Shanthi
51. A. Baskaran
52. A. Gopalakrishnan
53. R. Gunasekaran
54. M. Venkatesan
55. S. Balasaraswathi
56. R. Devi
57. S. Ravichandran
58. R. Suriyakumar
59. K. Palani
60. M. Raju
61. N. Raman
62. S. Joy Mary

... Applicants

By Advocate M/s P. Rajendran

1. The Union of India represented by the Director
General of Posts, Dak Bhavan, New Delhi.

2. The Chief Postmaster General
Tamil Nadu Circle, Chennai 600 002.

3. The Senior Superintendent of Post Offices

Chennai City Central Division,

Chennai – 17.

... Respondents

By Advocate Mr.Su.Srinivasan

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. MA No.177/2019 filed by the applicants for joining together to file a single OA is allowed.

2. The applicants have filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To call for the records relating to the impugned order of the third respondent in Memo No. C/OA1319/2014 dated at Chennai 600 017 the 12.03.2018 and quash the same and direct the respondents to refrain from applying the New Pension Scheme (New Defined Contribution Pension Scheme) to them but to apply the Old Pension Scheme (Defined Benefit Pension Scheme) and count the service rendered in the post of GDS for the purpose of computing the qualifying service for pension and grant him all consequential benefits and render justice.”

2. The applicants are aggrieved by Annexure A-2 order dated 12.03.2018 by which their request to count the services rendered under GDS cadre for the purpose of pension under the Old Pension Scheme had been turned down on the ground that the order passed by the Principal Bench of this Tribunal in OAs No.749, 3540 & 613/2015 dated 17.11.2016 in similar cases had been challenged before the Hon'ble Delhi High Court in Wps No.832, 834 & 835/2018. Accordingly the order the Principal Bench of this Tribunal had not attained finality.

3. Learned counsel for the applicant would submit that similar matters had been considered by the Tribunal and directions have been issued to the competent authority to review their stand in the case of the applicants

therein, should the Hon'ble Delhi High Court/Hon'ble Apex court as the case may be, decide similar matters pending before them upholding the order the Principal Bench or settling the law in favour of persons similarly placed as the applicants to count their services rendered as GDS for the purpose of pension under the CCS Pension Rules. The applicants would accordingly be satisfied, if a similar order is passed in this case.

4. Mr.Su.Srinivasan, SCGSC takes notice on behalf of the respondents and submits that there is no objection to disposing of the OA in the said manner.

5. Keeping in view the limited relief urged and without going into the substantive merits of the case, the respondents are directed to review the Annexure A-2 order dated 12.03.2018 in the case of the applicants in the event of the law being finally held in favour of counting services rendered as GDS for the purpose of pension under the CCS (Pension) Rules, 1975 within a period of three months thereafter.

6. OA is disposed of as above.

(P.MADHAVAN)
MEMBER(J)

(R.RAMANUJAM)
MEMBER (A)

22.03.2019

M.T.