

**Central Administrative Tribunal
Madras Bench**

OA 310/01250/2019

Dated Wednesday the 18th day of September Two Thousand Nineteen

P R E S E N T

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

B. Kavitha
No. 12, Sarva Gnana Street
Palayankottai – 627 002. 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 Superintendent of Post
Store Depot
Tirunelveli Division
Tirunelveli – 627 002. Respondents

By Advocate **Mr. Su. Srinivasan**

ORAL ORDER

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

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

“To set aside Memo No. B/PF/BK Dlgs/dated 22.11.2018 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”

2. The applicant in this case claims the Old Pension Scheme which was in existence prior to Government notification dated 22.12.2003. According to her, she was appointed as Postal Assistant in the vacancy which arose in the year 2002 and it was only because of the delay on the part of the Department that she appointed later. According to her she is entitled to get the Old Pension Scheme based on the decisions of the Tribunal in OA 1419/2014 dt. 19.08.2016 and order of the Hon'ble Madras High Court in WP No. 21193/2015 dt. 01.03.2017.

3. The Senior Standing Counsel for Central Government Mr. Su. Srinivasan submitted that the matter is taken up in appeal by filing SLP by the Department and it is still pending before the Hon'ble Supreme Court and the law will be finally settled when the SLP No. 13042/2014 and batch is disposed of by Hon'ble Supreme Court. He has no objections in disposing of the OA with direction to follow the law laid down by the Hon'ble Supreme Court in this subject. The

counsel for the applicant also has no objections.

4. We have considered the submissions and it is appropriate that this OA is disposed of in the light of the earlier judgments and since the earlier judgments are challenged before the Hon'ble Supreme Court the law will be finally settled only if the above SLPs are disposed of by the Hon'ble Supreme Court.

5. Accordingly we dispose of this OA by following direction:

“The competent authority shall consider the representation of the applicant dated 15.11.2018 in the event of the Hon'ble Apex Court upholding the order of this Tribunal to the effect that persons appointed against pre-2004 vacancies should be considered eligible for pension under the CCS Pension Rules, 1972 and pass a reasoned and speaking order, within a period of two months thereafter.”

(T. Jacob)
Member(A)
AS

18.09.2019

(P. Madhavan)
Member (J)