

**Central Administrative Tribunal
Madras Bench**

OA 310/01105/2019

Dated Thursday the 19th 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.Prabhakaran,
S/o . Balakrishnan,
No.74, Bazaar Street,
Pethanaickenpalayam,
Salem – 636 109.

... Applicant

By Advocate M/s. R.Malaichamy

Vs.

1. Union of India
Rep by its Secretary,
Ministry of Communications,
Department of Posts,
Dak Bhavan,
Sansad Marg,
New Delhi – 110 001.

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

3. The Postmaster General,
Western Region(TN),
Coimbatore – 641 002.

4. The Senior Superintendent of Post Offices,
Salem East Division,
Salem – 636 001. ... Respondents

By Advocate Ms. M. Santhini

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:

“(i) To direct the respondents to count the period of year of vacancy 2003 against which he was appointed as Postman for the purpose of grant of pension under old pension scheme to the applicant.
(ii) To direct the respondents to refund the amount to the applicant which were recovered as contribution from his pay and allowances towards new pension scheme;
(iii) To direct the respondents to revise and re-fix the retirement service benefits of the applicant including pension and pay the arrears of pension to the applicant
(iv) To pass such other suitable orders that may deem fit and proper in the circumstances of the case and thus render justice.”

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 him, he initially entered the Postal Department as GDS MD and later he was selected and appointed as Postman in the vacancy which arose in the year 2003 and it was only because of the delay on the part of the Department that he was appointed later. According to him, he 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 Counsel for the respondents 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. She 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 27.08.2018 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. Similar action shall be taken in the event of SLPs in respect of counting of GDS service for the purpose of pension being decided in favour of the persons similarly placed as the applicants.”

(T. Jacob)
Member(A)
AS

19.09.2019

(P. Madhavan)
Member (J)