

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

OP (CAT).No. 202 of 2015 (Z)

AGAINST THE ORDER IN O.A N 180/00799/2014 of CENTRAL ADMINISTRATIVE
TRIBUNAL,ERNAKULAM BENCH DATED 10-07-2015

PETITIONERS/RESPONDENTS IN OA:

1. UNION OF INDIA
REPRESENTED BY THE SECRETARY POSTS/DIRECTOR GENERAL
DEPARTMENT OF POSTS, NEW DELHI - 1.
2. THE CHIEF POSTMASTER GENERAL
KERALA CIRCLE, TRIVANDRUM - 695 033.
3. THE DIRECTOR OF ACCOUNTS (POSTAL), KERALA CIRCLE
4TH FLOOR, GPO ANNEXE BUILDING,
THIRUVANANTHAPURAM - 695 033.

BY ADV. SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

RESPONDENTS/APPLICANTS IN OA:

V.J. JOSE THOMAS, AQGED 60 YEARS,
S/O.LATE V.T.JOHN, RETIRED LDC
O/O THE DIRECTOR OF ACCOUNTS (POSTAL), ANNEXE
BUILDING ,THIRUVANANTHAPURAM - 695 033.
RESIDING AT TC 11/1778, MYTHRI NAGAR NO.70
PAROTTUKONAM, NALANCHIRA P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.M.A.SHAFIK

THIS OP (CAT) HAVING COME UP FOR ADMISSION ON 16-12-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP (CAT).No. 202 of 2015 (Z)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P-1: TRUE COPY OF OA NO.180/00799/2014 DATED 11.9.2014 FILED BY THE RESPONDENT BEFORE THE HON'BLE CAT, ERNAKULAM DISTRICT.

EXT.P-2: TRUE COPY OF REPLY STATEMENT FILED BY THE PETITIONERS

EXT.P-3: TRUE COPY OF THE ORDER IN OA NO.180/00799/2014 DATED 10.7.2015 OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

RESPONDENT'S EXHIBITS: NIL

//TRUE COPY//

PA. TO JUDGE

smv

**K. SURENDRA MOHAN
&
SHAJI P. CHALY, JJ.**

O.P.(CAT) No.202 of 2015

Dated this the 16th day of December, 2015

JUDGMENT

Surendra Mohan,J.

The respondent was a Casual Mazdoor who was appointed in the regular department service as Group D with effect from 21.09.2006. By that time, the CCS (Pension) Rules, 1972 ceased to apply to the new entrants from 1.1.2004 and the new pension scheme was introduced. The respondent was placed in the new pension scheme. He filed the Original Application contending that he was conferred with temporary status with effect from 1.1.1992 and his temporary status casual service should be reckoned to include him in the old pension scheme. The Original Application has been allowed by Ext.P3 order of the CAT. The petitioners challenge the said order.

2. We have heard Sri. N. Nagaresh, the learned ASGI for the petitioners and Sri.M.A.Shafik who appears for the respondent.

3. We notice that, this matter is covered by another

decision on the point. The CAT itself has referred to the orders in O.A No.517 of 2011 and O.A. No.418 of 2012 which are produced as Annexures A5 and A8. The said orders were under challenge before this Court in O.P.(CAT) No.3033 of 2013 and connected cases. All the connected cases were dismissed. The Special Leave Petition filed by the petitioners against the same before the Supreme Court also have been dismissed.

In view of the above, we find no grounds to entertain this Original Petition and the same is accordingly dismissed in limine.

Sd/-
K. SURENDRA MOHAN
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE

//true copy//

P.A. To Judge

smv
16.12.2015