

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2018

CORAM :

The Hon'ble Mrs.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE M.DURAI SWAMY

W.P. No.4681 of 2018
and W.M.P.No.5783 of 2018

1. Union of India,
rep. by the Secretary,
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi-110 011.
2. The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai,
Chennai - 600 002.
3. The Superintendent of Post Offices,
Cuddalore Division,
Cuddalore-607 001. ... Petitioners

1. R.Shanmugam
2. The Registrar,
Central Administrative Tribunal,
High Court Complex,
Chennai-104. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records dated 21.09.2016 and made in O.A./310/01078/2013 on the file of the second respondent and quash the same in so far it is against the petitioners.

For Petitioners : Mr.V.Balasubramanian

For Respondents : Mr.R.Malaichamy
for 1st respondent

R2 - Tribunal

ORDER

(Order of the Court made by The Hon'ble Chief Justice)

Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the first respondent.

2. The petitioners have challenged the order of the Central Administrative Tribunal, Madras Bench, dated 21.09.2016 in O.A.No.310/01078/2013. By the said order, the O.A. preferred by the first respondent came to be allowed. In the said O.A., the first respondent had prayed for directions to the respondents i.e., the present petitioners, to pay pension and all other retirement service benefits with arrears of pension to him under Old Pension Scheme.

3. According to the petitioners, the first respondent did not have the qualifying service of 10 years and hence, he was not entitled to pension. According to them, the first respondent had only 9 years, 6 months and 6 days of qualifying service. Thus, he fell short of the qualifying service of 10 years so as to entitle him to pension and other pensionary benefits.

4. The first respondent had placed reliance on Rule 3(1)(q) of the CCS Pension Rules, 1972, in which the qualifying service for the purpose of pension has been defined as follows:

"3(1)(q).- Qualifying service means service rendered while on duty or otherwise which shall be taken into account for the purpose of pensions and gratuities admissible under these rules."

5. According to the first respondent, earlier, he had rendered service of one year in an officiating capacity as Postman in the Department and the said period has also to be taken into account while considering the period of qualifying service. According to the first respondent, while computing qualifying service for pension, if the earlier period had been taken into account, he would have the qualifying service of more than 10 years.

6. On going through the order of the Central Administrative Tribunal, we have noticed that the learned counsel for the respondents therein i.e., the present petitioners, had made a categorical statement that they have no objection to the qualifying service being so computed, which means that for computing the qualifying service for pension, the present petitioners were willing to include the period spent on officiating service. Once categorical statement to this effect had been made before the Central Administrative Tribunal by the learned counsel for the petitioners, now the petitioners cannot be allowed to challenge the order of the Central Administrative Tribunal, which directed that the period of service spent by the first respondent on officiating duty prior to his induction into training be counted for determining his pension and other pensionary benefits. In this view of the matter, we are not inclined to interfere with the impugned order of the Central Administrative Tribunal.

7. We find no merit in this writ petition and it is dismissed. No costs. Consequently, W.M.P.No.5783 of 2018 is closed.

Sd/-
Assistant Registrar (CS-IX)

// True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi-110 011.
2. The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai,
Chennai - 600 002.

3. The Superintendent of Post Offices,
Cuddalore Division,
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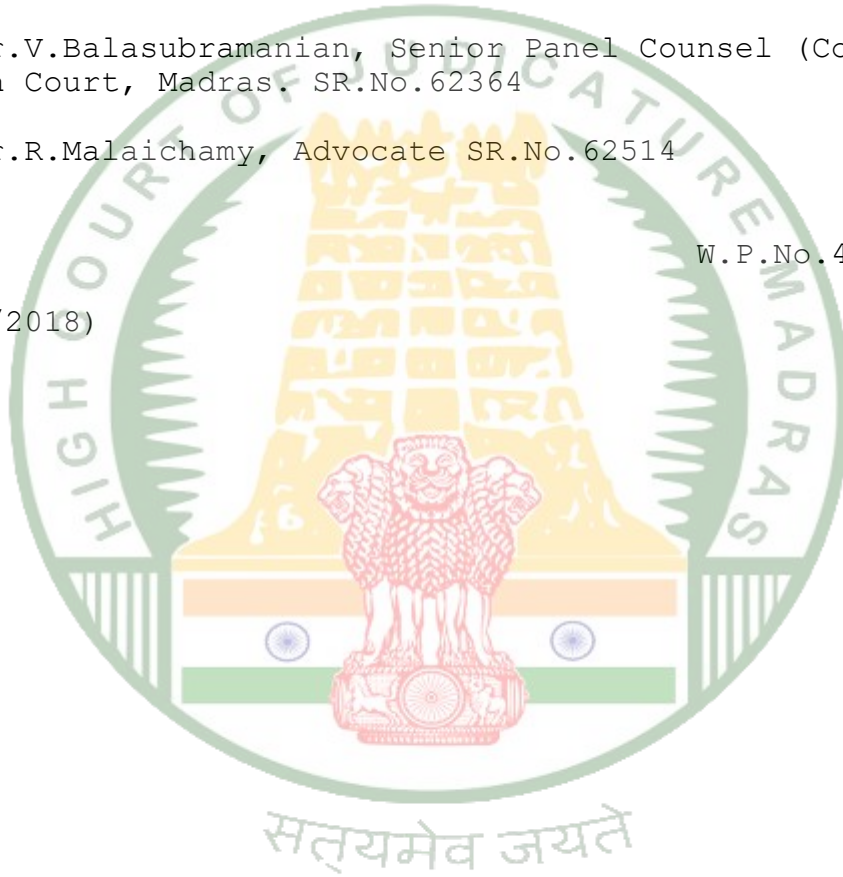
4. The Registrar,
Central Administrative Tribunal,
High Court Complex,
Chennai-104.

+1cc to Mr.V.Balasubramanian, Senior Panel Counsel (Govt.of
India)High Court, Madras. SR.No.62364

+1cc to Mr.R.Malaichamy, Advocate SR.No.62514

W.P.No.4681 of 2018

RSV(CO)
RMP(25/09/2018)



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