



WEB COPY



W.P.Nos. 27602 of 2017, 9475 of 2016 and 27582 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2023

CORAM

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR.JUSTICE P. DHANABAL**

W.P.Nos. 27602 of 2017, 9475 of 2016 and 27582 of 2017

W.P.No. 27602 of 2017

M.A.Andiappan

..Petitioner

Vs

1.Union of India
Rep. by the Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai, Chennai -600002.

2.The Postmaster General,
Western Region (TN)
Coimbatore -641002.

3.The Superintendent of Post Offices,
Namakkal Division,
Namakkal – 637002.

4.The Registrar,
Central Administrative Tribunal,
Chennai -600104.

..Respondents



W.P.Nos. 27602 of 2017, 9475 of 2016 and 27582 of 2017

W.P.No. 9475 of 2016

D. Sheik Dawood

..Petitioner

Vs

1.The Superintendent of Post Offices,
Namakkal Division,
Namakkal – 637002.

2.Union of India
Rep. by the Chief Postmaster General,
Southern Region (TN),
Madurai-625002.

3.The Registrar,
Central Administrative Tribunal,
Chennai -600104.

..Respondents

W.P.No. 27582 of 2017

G.Thiagarajan

..Petitioner

Vs

1.Union of India
Rep. by its Secretary,
Department of Posts,
Minsitry of Communication & IT,
Dak Bhavan, Sansad Marg,
New Delhi – 110001.

2.Superintendent of Post Offices,
Karaikudi Division,
Karaikudi – 630003.

3.The Registrar,
Central Administrative Tribunal,
Chennai -600104.

..Respondents



W.P.Nos. 27602 of 2017, 9475 of 2016 and 27582 of 2017

Prayer in 27602 of 2017 : Writ petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorari, calling for the records relating to the order passed by the tribunal in O.A.No. 229 of 2014, dated 12.11.2015 and quash the same.

Prayer in 9475 of 2016 : Writ petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorari, calling for the records relating to the order passed by the tribunal in O.A.No. 1240 of 2012, dated 06.11.2012 and the order made in R.A.No. 2 of 2013 in O.A.No. 1240 of 2012, dated 29.07.2015 and quash the same.

Prayer in 27582 of 2017 : Writ petition is filed under Article 226 of Constitution of India praying to issue a writ of certiorari, calling for the records relating to the order passed by the tribunal in O.A/310/001167/2014, dated 17.08.2016 and quash the same.

For Petitioners - Mr.R.Malaichamy (in all 3 WPs)

For Respondents - Dr. G. Babu, CGSC - R1 to R3 in W.P.No. 27602 of 2017 and for R1 & R2 in W.P.No.27582 of 2017)
Mr.Venkatasamy Babu, Standing Counsel – R1 & R2 (W.P.No. 9475 of 2016)

COMMON ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

Since all the three writ petitions involve common issues of facts and law as they seek to challenge the dismissal order passed by the Tribunal for the claim made by petitioners herein for grant of minimum pension by invoking Rule 88 of CCS (Pension) Rules, 1972, hence, they have been



W.P.Nos. 27602 of 2017, 9475 of 2016 and 27582 of 2017

heard together and are being disposed of by a common order.

WEB COPY

Case of the writ petitioners in brief:

2. The writ petitioners herein were joined in the postal department as Extra Departmental Packer (E.D) now re-designated as Gramin Dak Sevak (GDS) packer. Subsequently, the petitioners were selected and appointed to the cadre of postman by order of the 1st respondent and after completion of training, the were posted as postman on regular basis and retired on superannuation.

3. According to the petitioners they have rendered qualifying service for granting minimum pension viz., the writ petitioners in (i) W.P.No.27602 of 2017(9 years and 3 months), (ii) W.P.No. 9475 of 2016 (9 years and 4 months) and (iii) W.P.No.27582 of 2017 (8 years 2 months and 20 days) apart from the service rendered prior to the appointment to the post of postman. Therefore they are entitled for grant of minimum pension. The representation made by the petitioners seeking minimum pension was rejected by the respondent. The petitioner have filed an application before the Tribunal, the said application was also came to be rejected on the ground



W.P.Nos. 27602 of 2017, 9475 of 2016 and 27582 of 2017

that the petitioner have not rendered qualifying service to grant minimum pension. Challenging the said order of dismissal by the tribunal, these writ petitions have been filed.

4. During the course of argument, The learned Additional Solicitor General for the respondent-department placed a communication dated 25.11.2020 issued by the Government of India, Ministry of Communications, Department of Posts (Pension Section), New Delhi, wherein the decision taken by the department in its meeting held on 25.09.2020 is extracted as below;

“In view of directions of Apex Court dated 08.11.2019, CCS (Pension) Rules, 1972, GDS (Conduct & Engagement) Rules, 2011 and observations of IFW of this Department, the Board after in-depth deliberation decided that there cannot be a single definition of 'undue hardship' that can be applicable to all cases. Hence, all cases similar to the cases tagged with the SLP No.13042/2014 and decided by Hon'ble Supreme Court vide Order dated 08.11.2019, may be taken up as per Rule 49 of CCS (Pension) Rules, 1972 only where an inbuilt relaxation of three months has already been provided. No further relaxation on case-to-case/en-masse basis will be admissible in terms of Rule 88 of the CCS (Pension) Rules, 1972.”

5. By placing reliance on the above communication, the learned Additional Solicitor General for the respondent-department has submitted that the writ petitioners herein are not entitled for counting their services as



W.P.Nos. 27602 of 2017, 9475 of 2016 and 27582 of 2017

qualifying service of 10 years in the department and these writ petitions are liable to be dismissed.

6. The learned counsel for the petitioners not controverted the decision taken by the department in its meeting held on 25.09.2020, however seeks liberty to challenge the said decision of the department before the appropriate forum.

7. It is pertinent to mention here that the Division Bench of this Court by in similar matters in W.P.No. 10162, 19881 & 6514 of 2015 has considered the cases of the petitioners therein and dismissed the writ petition filed by the employee relying upon the said communication. In view of the decision taken by the Division Bench of this Court, the claim made by the petitioners in these writ petitions is also liable to be dismissed. However, considering the request made by the learned counsel for the petitioners, liberty is granted to the petitioners to challenge the decision taken by the department in its meeting held on 25.09.2020.



W.P.Nos. 27602 of 2017, 9475 of 2016 and 27582 of 2017

8. In the result, these writ petitions are dismissed with the above

liberty. No costs.

(D.K.K., J.) (P.D.B., J.)

15.11.2023

Index: Yes / No

Internet: Yes

ak

To

1. The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai, Chennai -600002.

2. The Chief Postmaster General,
Southern Region (TN),
Madurai-625002.

3. The Secretary,
Department of Posts,
Minsitry of Communication & IT,
Dak Bhavan, Sansad Marg,
New Delhi – 110001.

4. The Postmaster General,
Western Region (TN)
Coimbatore -641002.

**D.KRISHNAKUMAR, J.
AND
P. DHANABAL, J.**



W.P.Nos. 27602 of 2017, 9475 of 2016 and 27582 of 2017

ak

5.The Superintendent of Post Offices,
Namakkal Division,
Namakkal – 637002.

6.The Superintendent of Post Offices,
Namakkal Division,
Namakkal – 637002.

7.Superintendent of Post Offices,
Karaikudi Division,
Karaikudi – 630003.

8.The Registrar,
Central Administrative Tribunal,
Chennai -600104.

W.P.Nos. 27602 of 2017, 9475 of 2016
and 27582 of 2017

15.11.2023