



W.P.No.29495 of 2018

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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.No.29495 of 2018
and WMP.No.34459 of 2018**

- 1.Union of India, Rep by its
Secretary, Department of Posts,
Ministry of Communication & IT,
Dak Bhavan, Sansad Marg,
New Delhi-110 001.
- 2.The Chief Post Master General,
Tamil Nadu Circle,
Chennai-600 002.
- 3.Post Master General,
Central Region (TN),
Tiruchirappalli-620 001.
- 4.The Superintendent of Posts,
Kumbakonam Division,
Kumbakonam-612 001.
- 5.Inspector Posts,
Kuttalam Sub-Division,
Kuttalam-609 801.

... Petitioners



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Vs.

1.N.Selvaraju

2. Central Administrative Tribunal,
Rep. by its Registrar,
Madras Bench, Chennai-600 104.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorari calling for the records of the impugned order dated 31.03.2017 made in OA.No.1939 of 2014 on the file of the 2nd respondent herein.

For Petitioners : Mr.AR.L.Sundaresan, Additional Solicitor General,
for Mr.V.Ashok Kumar
For Respondents : Mr.R.Malaichamay for R1
R2- Tribunal.

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

The petitioners Department, challenging the order of the Central Administrative Tribunal dated 31.03.2017 made in O.A.No.310/01939/2014, in and which the Tribunal has directed the petitioners to grant pension to the first respondent / applicant under Old Pension Scheme by treating him to have been appointed as Postman notionally from the year 2002, has filed the instant writ petition.



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2. The first respondent was engaged as Extra Departmental Branch Postmaster (now renamed as Gramin Dak Sevak Branch Postmaster) in the Paliyur Sub Post Office with effect from 20.11.1980 and thereafter, he was selected for the post of Postman in Government Service and joined as Postman in Komal Sub Post Office on 02.09.2004 and he retired on attaining the age of superannuation on 30.06.2014. According to the petitioners GDS are holders of Civil Posts and are not regular Government Servants and the New Pension Scheme came into operation with effect from 01.01.2004 is applicable to all new entrants joining Central Government service on or after 01.01.2004 and since the first respondent has not been appointed only on 02.09.2004, his claim for grant of Old Pension Scheme will not arise.

3. Mr.AR.L.Sundaresan, learned Additional Solicitor General appearing for the petitioners fairly stated before this Court that the order of the Tribunal has been complied with since the first respondent was selected prior to 01.01.2004 and on that ground he is eligible for benefits under Old Pension Scheme and therefore, nothing survives for further adjudication in the writ petition.



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4. However, learned counsel for the first respondent seeks to record the factual submission that the first respondent has completed 9 years and 8 days of service and in view of the Circular issued by the Ministry of Communications, Department of Posts (Pension Section), Government of India in No.99-24/2012-Pen. dated 25.11.2020, he has rendered the minimum qualifying service required for grant of pensionary benefits.

5. In view of the above, the Writ Petition stands dismissed as infructuous. No costs. Consequently, connected miscellaneous petition is dismissed.

(D.K.K., J.) (P.D.B., J.)
15.11.2023

Intex : Yes/No
Internet : Yes/No
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