



W.P.No.1659 of 2014

WEB COPY

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.1659 of 2014
and WMP.No.18275 of 2018**

R.N.Krishnaveni

... Petitioner

Vs.

1.Union of India

Rep by the Pr. Postmaster General,
Tamil Nadu Circle,
Chennai-600 002.

2.Postmaster General,

Western Region, Tamilnadu,
Coimbatore-641 002.

3.Superintendent of Post Offices,

Tirupattur Division,
Tirupattur-635 601.

4.The Registrar,

Central Administrative Tribunal, Madras Bench,
Chennai-600 104.

.. Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to order dated 23.11.2012 in O.A.No.902 of 2011 passed by the 4th respondent and quash the same and consequently allow the O.A. as prayed for.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.AR.L.Sundaresan, Additional Solicitor General,
for Mr.A.Kumaraguru,
Central Govt. Standing Counsel for R1 to R3

R4-Tribunal.

ORDER

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

The applicant before the Tribunal is the petitioner herein and aggrieved by the dismissal of the original application filed by her to count the services rendered by him under GDS as qualifying service for pensionary benefits has filed the instant writ petition.

2. The petitioner was appointed as ED Branch Postmaster with effect from 23.06.1970. She has been absorbed in regular appointment as Post Woman with effect from 06.11.1997 and retired on attaining superannuation on 30.04.2007.



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According to the petitioner, her regular service for the purpose of pension is 4 years, 4 months and 8 days, however the respondents have taken a decision that the applicant is not eligible for pension, as she had put in less than 10 years of regular service. In this regard, the petitioner has submitted a representation dated 15.03.2010 for grant of pension and the same was rejected by the third respondent vide order dated 10.04.2010. Challenging the order of rejection, she filed an Original Application before the Tribunal, which was dismissed, against which the present writ petition is filed.

3. According to the petitioner, though she had rendered minimum qualifying service for grant of pension, the representation made by the petitioner seeking pension was rejected by the respondent. The petitioner has filed an application before the Tribunal, which was dismissed on the ground that the petitioner have not rendered minimum qualifying service to grant pension. Challenging the order of dismissal by the tribunal, the present writ petition has 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



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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.”

By placing reliance on the above communication, the learned Additional Solicitor General for the respondent-department has submitted that the writ petitioner herein is not entitled for counting their services as qualifying service of 10 years in the department and the writ petition is liable to be dismissed.

5. The learned counsel for the petitioner has 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.



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6. It is pertinent to mention here that the Division Bench of this Court 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 petitioner herein is also liable to be dismissed. However, considering the request made by the learned counsel for the petitioner, liberty is granted to the petitioner to challenge the decision taken by the department in its meeting held on 25.09.2020.

7. In the result, the writ petition stands dismissed with the above liberty.

No costs.

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

Intex : Yes/No
Internet : Yes/No
Jvm

D.KRISHNAKUMAR, J.
and
P.DHANABAL, J.
Jvm

To
1.The Principal Postmast General,



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2. Postmaster General,
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