



WP No.18937 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

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G.Chakrapani

... Petitioner

versus

- 1.Union of India,
Represented by the Director General of Posts,
Dak Bhawan,
New Delhi.
- 2.The Chief Postmaster General,
Tamil Nadu Circle,
Chennai-600 002.
- 3.The Director of Postal Services,
Chennai City Region,
Chennai-600 002.
- 4.The Superintendent of Post Offices,
Kanchipuram Division,
Kanchipuram-631 501.



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5. The Central Administrative Tribunal,
Chennai-600 104,
Represented by the Registrar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorarified Mandamus, to call for the records pertaining to the order of the fifth respondent which is made in OA No.1065 of 2015 dated 11.01.2018 and quash the same, consequent to direct the respondents 1 to 4 to grant eligible pension to the petitioner with all other attendant benefits.

For the Petitioners :Mr.Malaichamy

For the Respondents :Mr.V.Balasubramanian
for respondents 1 to 4
fifth respondent -Tribunal

ORDER

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

Challenging the order passed by the Central Administrative Tribunal, Madras Bench, in OA No.1065 of 2015 dated 11.01.2018, the petitioner has filed the present writ petition.



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2. It is seen that the issue involved in the present writ petition is no longer *res integra* on the ground that the said issue has already been decided by this Court in WP No.27602 of 2017 etc. batch dated 15.11.2023. The relevant portion of the order is extracted hereinunder:

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 case 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-



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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 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.

8. In the result, these writ petitions are dismissed with the above liberty. No costs."



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3. The aforesaid judgment squarely applies to the facts of the case on hand. In the said writ petition, the respondent Department by placing reliance on the decision taken in the Meeting held on 25.11.2020 by the Government of India, Ministry of Communications, Department of Posts (Pension Section), New Delhi, dated 25.11.2020, wherein it was decided that no further relaxation will be admissible in terms of Rule 88 of the CCS (Pension) Rules, 1972 for granting pensionary benefit, had rejected the claim of the petitioners therein as they have not rendered the minimum qualifying service to grant pension. Hence, the Writ Court dismissed the said writ petition. In the present case also, the petitioner has not acquired the minimum required qualifying service and he has completed only 9 years 6 months of service. Hence, there is no merit in the writ petition and the same is liable to be dismissed.

4. 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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5. Learned counsel for the respondent submitted that the petitioner has completed only 8 years and 3 months of service.

6. Since the issue involved in the present writ petition is no longer *res integra* and is covered by the decision rendered by this court cited supra, we are not inclined to go into the disputed fact with regard to the period of completion of petitioner's qualifying service in the Department.

7. In view of the above, the writ petition stands 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. There shall be no order as to costs.

[D.K.K., J.] [K.B., J.]
03.04.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn



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