



2025:DHC:9518-DB



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 23.09.2025
Pronounced on: 31.10.2025

- + **W.P.(C) 3569/2017**
BUTA RAM AND ORSPetitioners
Through: Mr.Ankur Chhibber, Mr.Vinod Sharma and Mr.Gaurav Kumar, Advs.
versus
UOI AND ORSRespondents
Through: Mr. Shoumendu Mukherji, SPC with Ms.Megha Sharma, Mr.Aniruddha Ghosh and Mr.Mehul Sachan, Advs.
- + **W.P.(C) 3493/2018 & CM APPL. 13790/2018**
UNION OF INDIA AND ANRPetitioners
Through: Mr.Ishkaran Singh Bhandari, CGSC, Mr.Piyush Yadav, Adv.
versus
SHRI JAI NARAYAN CHHIMPA & ORS.Respondents
Through: Mr.Vinod Sharma and Mr.Gaurav Kumar, Advs.
- + **W.P.(C) 832/2018 & CM APPL. 3558/2018**
UNION OF INDIA AND ORS.Petitioners
Through: Mr.Vijay Joshi, CGSC and Mr.Shubham Chaturvedi, Advs.
versus
SH. VINOD KUMAR SAXENA AND ORS.Respondents
Through: Mr.Mukesh K. Giri and



2025:DHC:9518-DB



Mr.Sudhir Naagar, Advs. for
Respondents no. 1, 8 to 10, 13,
14, 32, 93, 336, 358, 369, 401,
2 to 5, 11, 15, 19, 22, 23, 25,
37, 38, 44, 48, 50 to 52, 54, 61,
62, 67, 70, 72, 74, 75, 80, 118,
132, 138, 149, 164, 175, 176,
257, 321, 325 to 329, 358, 360,
362, 376, 377, 387 to 390, 392,
396, 397.

+ **W.P.(C) 834/2018 & CM APPL. 3564/2018, CM APPL. 12926/2023**

UNION OF INDIA AND ORS.Petitioners

Through: Mr.Vijay Joshi, CGSC and
Mr.Shubham Chaturvedi, Advs.

versus

SH. PREMCHANDRA SINGH AND ORSRespondents

Through: Mr. Aman Jha, Adv.
Mr. Mukesh K. Giri and
Mr.Sudhir Naagar, Advs. for
Respondents no. 24, 25, 62, 65,
89, 90, 95 and 64.
Mr.Himanshu Upadhyay, Adv.

+ **W.P.(C) 835/2018 & CM APPL. 3566/2018**

UNION OF INDIA AND ORS.Petitioners

Through: Mr. Vijay Joshi, CGSC and
Mr.Shubham Chaturvedi, Advs.

versus

SH. RAVINDER SINGH AND ORS.Respondents

Through: Mr.Mukesh K. Giri, Mr. Sudhir
Naagar, Advs. for R-1-6, 11,
12, 16, 17, 18, 24, 25, 27, 62,



2025:DHC:9518-DB



64, 65, 82, 85, 89, 90, 94, 95,
118, 122, 123, 124, 125, 127,
131, 132, 138, 141,
147, 149, 151 to 153, 155, 101,
156 to 158, 160 - 163, 165,
171, 176, 178, 203, 205, 212 to
216, 218, 219, 226, 227, 229,
233, 246, 248, 249, 257, 260,
261, 263-272, 276, 277, 279,
281, 282, 284, 286 to 290, 305
to 314, 318, 319, 323 to 325,
328, 358, 362, 365 to 370, 376,
377, 380, 381, 382, 384, 389,
390, 391, 392, 393, 417, 412,
420, 439, 446, 469, 470, 481,
483, 488 to 490, 493 to 496,
498, 501, 503 to 506, 513, 514,
516, 555, 557, 560, 561, 566,
569, 570, 571, 574, 575, 576,
586, 590, 591, 596, 599, 600,
641, 643, 644, 647, 650, 652,
658, 660, 661, 660, 664, 665,
688, 694 to 708, 1109, 1110,
1111, 1124, 1127, 1131, 1132,
1133, 1134, 1138, 1139, 1141,
1144 -1146, 1149-1152, 1154-
1165, 1170, 1171, 1176, 1177,
1181-1187, 1190, 1191, 1198-
1208, 1211-1237, 1241, 1244,
1245, 1247, 1252 to 1256,
1258-1266, 1270, 1271, 1289,
1291, 1294, 1296, 1299, 1300,
1302-1318, 1320, 1322, 1325,
1327, 1328, 1331 -1339, 1342-
1346, 1349, 1350, 1353, 1354,
1356 -1361, 1363-1365, 1367-



2025:DHC:9518-DB



1376, 1378, 1382, 1362, 316,
1355, 383, 385, 386, 197, 470,
489, 1176-1187, 1190, 1191,
1198 to 1208, 1211 to 1237,
1241, 1244, 1245, 1247, 1252
to 1256, 1258 to 1266, 1270,
1271, 1289, 1291, 1294, 1296,
1299, 1300, 1302 to 1318,
1320, 1322, 1325, 1327, 1328,
1331 to 1339, 1342 to 1346,
1349, 1350, 1353 to 1365, 1367
to 1376, 1378, 1382.

+ **W.P.(C) 1323/2021**

NATIONAL FEDERATION OF POSTAL EMPLOYEES &
ANR.Petitioners

Through: None.
versus

UNION OF INDIARespondent

Through: Mr.Piyush Beriwal, Mr.Devvrat
Yadav, Ms.Ruchita Srivastava
and Ms.Amisha P Dash, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

NAVIN CHAWLA, J.

1. The present batch of Writ Petitions under Article 226 of the Constitution of India {W.P.(C) 3569/2017, 832/2018, 834/2018 and 835/2018} have been filed to assail the final Order dated 17.11.2016 passed by the learned Central Administrative Tribunal, Principal Bench,



2025:DHC:9518-DB



New Delhi (hereinafter referred to as the 'Tribunal') in O.A. Nos. 749/2015, 3540/2015 and 613/2015, disposing of the O.A.s. filed by the respondents herein, with the following directions:

“20. To summarise, we dispose of the O.As with the following directions to the respondents:

(a) For all Gramin Dak Sevak, who have been absorbed as regular Group 'D' staff, the period spent as Gramin Dak Sevak will be counted in toto for the purpose of pensionary benefits.

(b) Pension will be granted under the provision of CCS (Pension) Rules, 1972 to all Gramin Dak Sevak, who retire at Gramin Dak Sevak without absorption as regular Group 'D' staff, but the period to be counted for the purpose of pension will be 5/8th of the period spent as Gramin Dak Sevak Rule 6 will accordingly be amended.

(c) The Gramin Dak Sevak (Conduct and Engagement) Rules, 2011 are held to be valid except Rule 6, as stated above.

(d) The claim of Gramin Dak Sevak for parity with regular employees regarding pay and allowances and other benefits available to regular employees, stands rejected.

21. With the above directions, all the three O.As. stand disposed of. However, the parties are directed to bear their own costs.”

2. W.P.(C) 3493/2018 has been filed challenging the Order dated 01.12.2016 passed by the learned Tribunal in O.A. No. 240/2015, disposing of the said O.A. in terms of the aforesaid Order dated 17.11.2016.

3. W.P.(C) 1323/2021 has been filed challenging the Order dated 08.08.2019 passed by the learned Tribunal in T.A. No. 9 of 2015 and



2025:DHC:9518-DB



M.A. No. 3020 of 2018, dismissing the said O.A., observing as under:

“3. Ever since the T.A. was transferred to the Tribunal, the applicant did not evince any interest and, as of now, the case has undergone 105 adjournments. It is the highest in the Tribunal, by any standard. MA for restoration was allowed on 28.07.2017, on payment of costs of Rs.1000/- to CAT Bar Association. There is nothing on record to show that the costs were deposited. Apart from that, there was hardly any representation for the applicants.

4. Since the case has undergone more than 100 adjournments, we have perused the record, as provided under Rule 15 of the C.A.T. (Procedure) Rules, 1987. The nature of relief claimed in the T.A. has already been mentioned. Time and again, the Hon'ble Supreme Court held that the Courts and Tribunals cannot encroach into the area, where the executive is vested with the powers. It is for the Government to decide, whether or not to treat the particular class of employees as Civil Servants. Much would depend upon the nature of duties, method of appointment and the like. It is purely, a sovereign function. Though the applicants have challenged the Service Rules of 2011, they are not able to demonstrate as to how they are violative of any provision of law. Further, several changes have taken place, ever since the writ petition was filed. The 7th CPC has already submitted its report and made its recommendation, as regards various categories of employees.

5. We, therefore, dismiss the T.A. We make it clear that in case, individual employees of category of GDS or their Associations have any subsisting grievance, it shall be open to them to pursue the remedies, in accordance with law. There shall be no order as to costs.”



2025:DHC:9518-DB



4. At the outset, we may note that the batch of petitions involve similar issues of law and arise from a common bundle of facts, though the dates of joining and retirement are different; therefore, it is deemed appropriate to adjudicate them *vide* this common Judgment. We shall be referring to the applicants in various O.As./T.A. as the ‘respondents’, and to the Union of India as the ‘petitioners’.

5. For the sake of brevity, reference will be made to the facts of W.P. (C) No. 832/2018, titled as *Union of India & Ors. v. Shri Vinod Kumar Saxena & Ors.*

BRIEF FACTS: -

6. The brief facts leading up to the filing of the present petitions are that the respondents were initially engaged as Extra-Departmental Agents (hereinafter referred to as ‘EDAs’) in the Post & Telegraphs Department, discharging their duties in rural postal offices under the supervision of Senior Superintendents and Superintendents of Post Offices. Their services were initially governed by the Post and Telegraphs Extra-Departmental Agents (Conduct and Services) Rules, 1964 (hereinafter referred to as the ‘Rules of 1964’). Subsequently, the Rules of 1964 were superseded by the Gramin Dak Sevaks (Conduct & Employment) Rules, 2001 (hereinafter referred to as the ‘Rules of 2001’), by virtue of which the nomenclature of the post from EDAs was formally changed to Gramin Dak Sevaks (hereinafter referred to as ‘GDSs’). The Rules of 2001 were later replaced by the Gramin Dak Sevaks (Conduct and Engagement) Rules, 2011 (hereinafter referred to



2025:DHC:9518-DB



as the 'Rules of 2011').

7. The respondents, for their service as GDSs, are not entitled to pensionary benefits under the Central Civil Services (Pension) Rules, 1972, as this entitlement was explicitly barred by Rule 4 of the Rules of 1964 and later, Rule 6 of the Rules of 2011, which provides that GDSs are not entitled to any pensionary benefits.

8. Rule 3A (i) of the Rules of 2011 further stipulates that the GDSs are not required to perform duty beyond a maximum period of five hours in a day and the age of discharge for GDSs, as per the said Rules, was 65 years, with entitlement only to *ex-gratia* gratuity or any other payment as may be decided by the government from time to time.

9. Some of the respondents, after having served for several years were absorbed into regular Group 'D' posts and thereafter into Group 'C' posts within the Postal Department of the petitioners. Such absorption made them subject to the New Pension Scheme. These respondents contended that their past service as GDSs ought to be reckoned for pensionary benefits under the Old Pension Scheme, which applied to regular government employees at the relevant time.

10. The petitioners issued a Notification dated 12.12.2010, wherein the petitioners held that the GDSs are holders of Civil Posts, but they were kept outside the regular civil service. The said position was upheld by the Supreme Court in *Y. Najithamol v. Soumya S.D.*, (2016) 9 SCC 352.



2025:DHC:9518-DB



11. The respondents, aggrieved by the said Notification and inaction of the petitioners, alleging hostile discrimination in not extending to them the consequential benefits, including allowances, pensionary and gratuity benefits, approached the Supreme Court by filing the Writ Petition (Civil) No. 17 of 2009, titled ***Vinod Kumar Saxena & Ors. v. Union of India & Ors.*** The Supreme Court, in its Order dated 09.12.2014 in the said petition (2014 SCC OnLine SC 1778), while holding that the respondents as GDSs are holders of Civil Posts, observed that the respondents can agitate their remaining grievances before the learned Tribunal. We quote from the order as under:

“3. In view of the aforesaid analysis, the writ petitioners are treated as civil post holders and, therefore, they can agitate their grievances, what they have put forth in this writ petition, before the Central Administrative Tribunal, Principle Bench, New Delhi and the tribunal shall advert to the same in their proper perspective.”

4. Mr. Mukesh Giri, learned counsel for the petitioners, submitted that he will present the application before the Central Administrative Tribunal within six weeks from today. If such application is filed, the tribunal would be well advised to decide the same in accordance with law within a period of six months.”

12. Pursuant to the aforesaid order passed by the Supreme Court, the respondents herein, on 20.01.2015, approached the learned Tribunal by filing the aforementioned O.As., thereby assailing the vires of Rules 3A, 6 and 12 of the Rules of 2011 as being unconstitutional, arbitrary, and as illegally denying the respondents their legitimate expectation of



2025:DHC:9518-DB



being treated as Regular Postal Civil Servants. They also challenged the validity of the Notification dated 12.12.2010 issued by the petitioners, alleging that it illegally and unlawfully prohibited the payment of pension and gratuity.

13. The learned Tribunal, placing reliance upon the Judgment of the Supreme Court in ***Vinod Kumar Saxena*** (supra), wherein it was held that the GDSs are holders of civil posts, *vide* the Impugned Order, allowed the O.A. filed by the respondents herein and granted the aforesaid reliefs.

SUBMISSIONS ON BEHALF OF THE LEARNED COUNSEL FOR THE PETITIONERS: -

14. The learned counsel for the petitioners submits that the issue raised in the present batch of writ petitions is no longer *res integra* and stands covered by the Judgments of the Supreme Court in ***Union of India & Ors. v. Gandiba Behera***, (2021) 14 SCC 786, and in Civil Appeals Nos. 12353-12354 of 2016 titled, ***Union of India & Ors. v. Paras Ram***, as well as by the Judgment of the High Court of Madras in ***O.Ramachandran & Ors. v. Union of India***, 2016 SCC OnLine Mad 33686. He further submits that the principles laid down in ***Gandiba Behera*** (supra) and ***O.Ramachandran*** (supra) have been reiterated and affirmed by the High Court of Rajasthan in the ***Union of India & Ors. v. Trilok Chand Jain***, 2025:RJ-JP:8544-DB. He submits that, therefore, the Impugned Orders dated 17.11.2016 and 01.12.2016 passed by the learned Tribunal, cannot be sustained and are liable to be set aside,



2025:DHC:9518-DB



whereas the Impugned Order dated 08.08.2019 of the learned Tribunal deserves to be upheld.

SUBMISSIONS ON BEHALF OF THE LEARNED COUNSEL FOR THE RESPONDENTS:-

15. Mr. Mukesh K. Giri, the learned counsel for the respondents, submits that the Supreme Court, in ***Vinod Kumar Saxena*** (supra), has held that the GDSs are holders of a Civil Post. He also places reliance on the Judgments of the Supreme Court in ***Superintendent of Post Offices & Ors. v. P.K. Rajamma***, (1977) 3 SCC 94, and in ***Chetram v. Jeet Singh***, 2008 (14) SCC 427 to submit that the natural corollary of the said finding is that the GDSs are also entitled to the grant of pension and to the counting of their service as GDSs for the purpose of pensionary benefits.

16. He further submits that, in the case of one of the respondents, Sh. Vinod Kumar Saxena, the Impugned Order passed by the learned Tribunal has already been implemented *vide* OM No. Pen-IV/P-IV/Vinod Kumar Saxena/D- issued by the Department of Posts, General Manager (Finance), PAO, U.P. Circle, Sector D, Aliganj, Lucknow, dated 18.12.2019.

17. He also relies upon the report of the Justice Talwar Committee on Postal Extra-Departmental System (hereinafter referred to as the 'Talwar Committee'), which recommended the grant of various reliefs to the GDSs, including the conferment of the status of Civil Posts and the constitutional protection under Article 311 of the Constitution of



2025:DHC:9518-DB



India. Accordingly, he submits that the service rendered by the respondents as GDSs prior to their absorption/regularisation in Group 'D'/Group 'C' posts should also be counted for the purpose of pension.

18. He further submits that the GDSs have been discharging their duties against substantive vacancies, having been appointed in accordance with the Rules. He submits that they have rendered more than 10 years of service and are, therefore, entitled to regularisation to the said post. In support, he places reliance on the Judgment of Supreme Court in *Prem Singh v. State of Uttar Pradesh & Ors.*, (2019) 10 SCC 516.

19. He submits that the judgment of the Supreme Court in *Gandiba Behera* (supra), relied upon by the petitioners, is not applicable to the facts of the present case, as the respondents were neither parties to the said case nor were they heard therein. He further submits that the said Judgment also failed to take note of the order passed by the Supreme Court in *Vinod Kumar Saxena* (supra).

20. He submits that the respondents have been working for more than 8 hours a day, covering a distance of up to 50 kilometres a day, and, therefore, the artificial distinction sought to be made in the Rules of 2011, which restricts the working hours to 5 hours a day, is liable to be set aside. He further submits that pension is neither a bounty nor a matter of grace, depending upon the sweet will of the petitioners. In support, he places reliance on the Judgment of Supreme Court in *D.S. Nakara v. Union of India*, 1983 (1) SCC 305.



2025:DHC:9518-DB



21. He submits that the petitioners themselves are extending and seeking options from the GDSs for a one-time opportunity to be covered under the Central Civil Services (Pension) Rules, 1972. He further submits that there cannot be discrimination in pay and allowances among persons performing similar work and duties. He submits that the nature of work and duties being performed by the respondents is equivalent to that performed by the postmen in the regular cadre of the petitioners. In support, he places reliance on the Judgment of Supreme Court in *Union of India v. Atul Shukla*, 2014 (10) SCC 432.

22. Mr. Ankur Chhibber, the learned counsel appearing for some of the respondents, while supporting the submissions advanced by Mr. Mukesh K. Giri, submits that the GDSs serve as Branch Postmasters, Mail Deliverers, Mail Carriers, Mail Packers and in other similar capacities in rural areas under the Rules of 2011. They are holders of a Civil Post; however, they are being denied the benefits available to regular employees.

23. He further submits that Rule 3A(i) of the Rules of 2011, which states that the GDSs shall not be required to perform duties beyond a maximum period of 5 hours a day, is completely fallacious, as it is impossible for the GDSs working in rural and hilly areas to complete their duties within such a timeframe. He places reliance on certain maps issued by the petitioners, to demonstrate that some of the respondents are required to cover almost 38 kilometres on foot across difficult



2025:DHC:9518-DB



mountainous terrains. He submits that the respondents are, in fact, aggrieved by the restriction imposed by the learned Tribunal in its Impugned Orders, which limits the counting of their service to only 5/8th for the purpose of pension.

24. He also places reliance on the recommendations of the Talwar Committee and submits that the respondents are also entitled to the benefits equivalent to that of regular employees, on the principles of 'equal pay for equal work'. He submits that, having rendered long years of service, almost 10 to 20 years, the respondents are also entitled to the regularisation of their services. He further submits that since the respondents are performing the same duties as regular employees, they are entitled to at least the minimum of the pay scale applicable to the regular posts. In support, he places reliance on the Judgment of Supreme Court in *State of Punjab & Ors. v. Jagjit Singh & Ors.*, (2017) 1 SCC 148.

25. He further submits that Rule 3A(iii) of the Rules of 2011, requiring the GDSs to furnish an undertaking that they have other sources of income, amounts to exploitation of labour and is liable to be set aside by applying the principles of unequal bargaining power, as recognised by the Supreme Court in *Central Inland Water Transport Corp. V. Brojo Nath Ganguly*, (1986) 3 SCC 156.

26. He submits that Rule 3A(v) of the Rules of 2011, which states that the GDSs shall be outside the civil services of the Union, is a direct attempt to force the respondents to contract out of the constitutional and



2025:DHC:9518-DB



statutory protections, and is contrary to the order passed by the Supreme Court in ***Vinod Kumar Saxena*** (supra).

ANALYSIS AND FINDINGS: -

27. We have considered the submissions made by the learned counsels for the parties.

28. In ***Gandiba Behera*** (supra), the Supreme Court considered a similar dispute as to whether the services rendered by the employees in the postal department in the capacity of the GDSs ought to be considered or not for the purpose of calculating the qualifying service for pension after their selection to regular posts in the said department. The Supreme Court considered the Judgments of ***P.K. Rajamma*** (supra), ***Vinod Kumar Saxena*** (supra), ***Union of India & Ors. v. Registrar***, (2021) 14 SCC 803, ***D.S. Nakara*** (supra), and particularly, Clause 6 of the Rules of 2011, and held as under:

*“18. The respondents have also referred to Clause 6 of the 2011 Rules which stipulates:
lates:*

“The Sevaks shall not be entitled to any pension. However, they shall be entitled to ex gratia gratuity or any other payment as may be decided by the Government from time to time.”

19. This particular Rule, making service of this category of employees non-pensionable, however, has been struck down as unconstitutional by the Principal Bench of the Central Administrative Tribunal, New Delhi by a decision delivered on 17-11-2016. We are apprised in course of hearing of these appeals by the learned counsel for the Central Government that the said decision of the Tribunal has been challenged before the



2025:DHC:9518-DB



Delhi High Court by the Union of India by way of a writ petition, registered as WP (C) No. 832 of 2018. We are also informed that no effective order has as yet been passed by the Delhi High Court in the said writ petition. In the judgment giving rise to Civil Appeal No. 109-110 of 2017, a similar provision of the 1964 Rules, being Clause 4 thereof has also been invalidated by the Punjab and Haryana High Court. Though the fact that the service of GDS was not pensionable was one of the factors considered by this Court in Union of India v. Registrar, that was not the main reason as to why the plea of the GDS was turned down by this Court. We have reproduced above the relevant passages from the said judgment containing the reasoning for allowing the appeal. For adjudication of this set of appeals, thus the proceeding in which the Rule, making service of GDS non-pensionable has been struck down is not of much relevance. **The controversy which we are dealing with in this judgment is whether the period of service rendered by a regular staff of the Postal Department while he was serving as GDS would be computed for the purpose of determining his qualifying service to entitle him to get pension.**

20. D.S. Nakara has been relied upon on behalf of the respondents in support of their contention that there cannot be any artificial discrimination between two groups of pensioners. But the factual context of the case of D.S. Nakara is different. The discrimination which was challenged in that case related to two sets of retired Armed Forces personnel who were categorised on the basis of their dates of retirement and one set had better terms of pension. **The decisions in P.K. Rajamma and Chet Ram are for the proposition that the respondents held civil posts as GDS and were government servants.**



2025:DHC:9518-DB



But again ratio of these authorities cannot be applied to combine the services rendered by GDSs in posts guided by an altogether different service rule with their services in regular employment. The other authority on which reliance has been placed on behalf of the respondents is a judgment of this Court delivered on 23-8-2017 in *Habib Khan v. State of Uttarakhand*. That case arose out of a similar dispute involving a work-charged employee of the State of Uttarakhand who wanted his service in that capacity counted for computing the qualifying service in regular post on the question of grant of pension. This judgment was also delivered by a two-Judge Bench of which Hon'ble Justice Ranjan Gogoi, before his Lordship assumed the post of Chief Justice of India, was a member. The aforesaid decision followed an earlier judgment of this Court delivered in *Punjab SEB v. Narata Singh*. The latter case arose out of similar claims of work-charged employees who were engaged in the Irrigation and Power Department of the State of Punjab. The relevant provision of the Punjab Civil Services Rules allowed temporary or officiating service under the State Government without interruption followed by confirmation in the same or another post to be counted in full as qualifying service but excluded the period of service in work-charged establishment. The aforesaid Rule was struck down by the Full Bench of the Punjab and Haryana High Court. The decision of this Court in *Narata Singh* was however founded on two circulars which permitted counting the period of service rendered by a work-charged employee in the Central Government or the State Government for the purpose of computing pensionary benefits as an employee of the Punjab State Electricity Board. The respondents in these appeals also cannot be held to be work-



2025:DHC:9518-DB



charged employees. The said category of employees i.e. work-charged employees are engaged against specific work and their pay and allowances are chargeable to such work. But the scope of respondents' work as GDS was part-time in nature. They had the liberty to engage themselves in other vocations, though the work they involved in carried an element of permanency. The fact that they were engaged as GDSs which constituted civil posts cannot by implication treat their service having whole-time characteristic to be an extension of their service rendered in the capacity of GDSs. The subsequent service was guided by different service rules having different employment characteristics. The selection of an employee in regular post cannot also be pre-dated because of delay on the part of the authorities in holding the selection process. We do not agree with the view of the High Court on this count in judgments which form subject of appeal in Civil Appeal No. 5008 of 2016, SLP (C) No. 16767 of 2016, Civil Appeal No. 8379 of 2016 and Civil Appeal No. 10801 of 2016. Service tenure of an employee in a particular post cannot be artificially extended in that manner in the absence of any specific legal provision.

21. In *Union of India v. Registrar*, a plea similar to that made by the GDSs for computation of service in that capacity was specifically rejected. There is no specific rule or even administrative circular specifying computation of service period rendered as GDS to fill up the gap in the qualifying service requirement of the respondents in this set of appeals. The only circular on which the respondents laid stress on was the 1991 circular which was considered in *Union of India v. Registrar*. As the post of GDS did not constitute full-time employment, the benefits of the said circular cannot aid the respondents.



2025:DHC:9518-DB



Thus, there being a clear cut finding on similarly placed employees, we do not think we can apply the ratio of the judgment delivered in Habib Khan in support of the respondents' plea. An unreported judgment of the Karnataka High Court delivered on 17-6-2011 in Union of India v. Dattappa has also been cited on behalf of the respondents. This judgment went in favour of counting the period of service as extra-departmental agent for qualifying service in relation to pension and the Division Bench of the Karnataka High Court proceeded on the basis that for all intents and purpose, the employment was continuous in nature and it was not as if it was from one service to another. But, this view has not been accepted by this Court in Union of India v. Registrar.

XXX

26. Having regard to the provisions of the aforesaid Rules relating to qualifying service requirement, in our opinion the services rendered by the respondents as GDS or other Extra-Departmental Agents cannot be factored in for computing their qualifying services in regular posts under the Postal Department on the question of grant of pension. But we also find many of the respondents are missing pension on account of marginal shortfall in their regular service tenure. This should deserve sympathetic consideration for grant of pension. But we cannot trace our power or jurisdiction to any legal principle which could permit us to fill up the shortfall by importing into their service tenure, the period of work they rendered as GDS or its variants. At the same time, we also find that in Union of India v. Registrar, though the incumbent therein (being Respondent 2) had completed nine years and two months of service, the Union of India had passed orders granting him regular pension. This Court in



2025:DHC:9518-DB



the order passed on 24-11-2015 had protected his pension though the appeal of the Union of India was allowed.

27. For the reasons we have already discussed, we are of the opinion that the judgments under appeal cannot be sustained.

There is no provision under the law on the basis of which any period of the service rendered by the respondents in the capacity of GDS could be added to their regular tenure in the Postal Department for the purpose of fulfilling the period of qualifying service on the question of grant of pension.

(Emphasis Supplied)

29. We are aware that in ***Gandiba Behera*** (supra), the Supreme Court was informed of the pendency of the present batch of writ petitions, as well as the fact that Rule 6 of the Rules of 2011 had been struck down by the learned Tribunal, which order is under challenge before us. The Supreme Court, however, held that the pendency of these petitions would have no bearing, inasmuch as the service rendered by the GDSs, even otherwise, cannot qualify for the purposes of the grant of pension to them.

30. In our view, therefore, the Judgment of the Supreme Court in ***Gandiba Behera*** (supra) completely answers the dispute raised before us, in favour of the petitioners.

31. Only for the sake of completeness, we would also refer to the Judgment of the Supreme Court in ***Paras Ram*** (supra), wherein the Supreme Court set aside the Judgment of the High Court of Himachal Pradesh at Shimla, and held that the respondent therein would not be



2025:DHC:9518-DB



entitled to claim any pension on superannuation in view of the fact that his service in the post of regular Group 'D' employee falls short of 10 years.

32. In ***O.Ramachandran*** (supra), the High Court of Madras, while adjudicating upon a similar question of law, disposed of the said writ petition by observing as under:

“35. Though Mr.K. Ravi Ananthapadmanabhan, learned counsel for the petitioners has prayed that a direction be issued to the respondents to implement, Hon'ble Justice Talwar's Committee's Report, we are of the view that, it cannot be done, in view of the specific stand of the respondents, in the counter affidavit, which we have explained and it is for the respondents, to decide. Admittedly, the writ petitioners are doing only part time job, and between Gramin Dak Sevaks and regular Group - D servants, in Department of Posts, there is clear variation in service conditions. Though the learned counsel for the petitioners submitted that considering the length of service, nature of duties, service rendered by the Gramin Dak Sevaks in the villages, across the country, they should be paid pension, on par with Group 'D' categories, in postal department, and Rule 6 of Gramin Dak Sevak Rules, 2011, denying pension, is violative of Articles 14, 16 and 21 of the Constitution of India and also contended that the policy of the Government is discriminatory, for the reasons stated supra, this court is not inclined to accept the said contentions.

36. For the reasons stated supra, there are no merits in this writ petition. Accordingly, it is dismissed. However, there shall be no order as to cost.”

33. Recently, the High Court of Rajasthan in ***Trilok Chand Jain***



2025:DHC:9518-DB



(supra), also disposed of a similar batch of writ petitions by following the principles enunciated by the Supreme Court in **Gandiba Behra** (supra) and the High Court of Madras in **O.Ramachandran** (supra). The court in **Trilok Chand Jain** (supra) held as under:

“10. These writ petitions filed on behalf of the petitioners deserve to be allowed for the reasons; firstly, there is no provision either in the Rules of 1964 or in the Rules of 2011 as amended from time to time, for grant of pension to the persons working on the post of Sevaks/GDS; secondly, in view of the judgment passed in the matter of Union of India and O. Ramachandran (both supra), in our view the order passed by the Tribunal is not sustainable.”

34. As the issue raised before us in the present batch of petitions is squarely covered by the aforesaid Judgments of the Supreme Court and the other High Courts, with which we respectfully agree, we need not delve further into the submissions of the learned counsels for the respondents, which, in our opinion, have already been duly considered and adjudicated upon by the Supreme Court and the other High Courts.

35. For the reasons stated hereinabove, the Impugned Orders dated 17.11.2016 and 01.12.2016 passed by the learned Tribunal are hereby set aside, while the Impugned Order dated 08.08.2019 of the learned Tribunal is upheld.

36. It is held that the services rendered by the respondents as GDSs shall not be entitled to be counted for the purposes of pension or the grant of other reliefs, including regularisation.



2025:DHC:9518-DB



37. The present petitions, along with the pending applications, are disposed of in the above terms.

38. There shall be no order as to costs.

NAVIN CHAWLA, J.

MADHU JAIN, J.

October 31, 2025/ns/HS