



WEB COPY

WP No. 14035 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-08-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP Nos.14035, 18653, 32474,

42922 & 44767 of 2025

and

WMP Nos.15796, 20889, 36394,

48001, 49956 and 49959 of 2025

WP No.14035 of 2025

1. Union Of India,
Rep. by the Director General Posts,
Dak Bhavan, Sansad Marg,
New Delhi-110 001.
2. The Principal Chief Post Master General,
Tamil Nadu Circle, Anna Salai,
Chennai-600 002.
3. The Post Master General,
Southern Region (Tamil Nadu),
Madurai-625 002.
4. The Senior Superintendent of Post Office,
Kovilpatti Division,
Kovilpatti-628501.

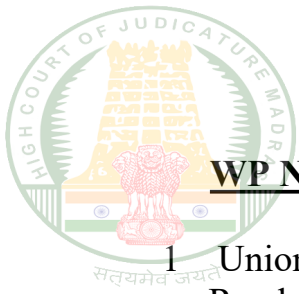
..Petitioners

Vs

K Ramamoorthy

..Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a writ of Certiorari, calling for records of the Tribunal in its impugned order dated 05.04.2023 in OA 501/2022 passed by Central Administrative Tribunal, Chennai Bench and quash the same.



WP No.18653 of 2025

- 1 Union of India
Rep by the Secretary
Ministry of Communication and IT,
Department of Posts
Dak Bhavan, Sansad Marg,
New Delhi-110001.
- 2 The Chief Postmaster General
Tamil Nadu Circle
Anna Salai Chennai- 600002.
- 3 The Postmaster General
Southern Railway (TN) Madurai-625 002.
- 4 The Superintendent of Post Offices, ,
Sivaganga Division,
Sivaganga-630561.

..Petitioners

Vs

U.Chandran

..Respondent

Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a writ of Certiorari, calling for records of the Tribunal in its impugned order dated 29.03.2023 in OA 1414/2019 passed by the Central Administrative Tribunal, Chennai Bench and quash the same

WP No.32474 of 2025

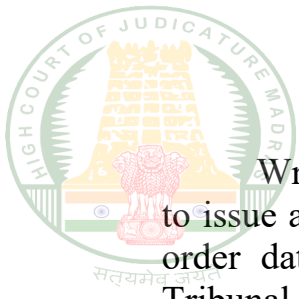
1. Union Of India,
Rep. by the Chief Postmaster General,
O/o the Chief Postmaster General,
Anna Salai, Chennai – 600 002.
2. The Senior Superintendent of Post Offices,
Chennai South Division,
Chennai – 600 017.

..Petitioners

Vs

G.Sanjeevi

..Respondent



Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a writ of Certiorari, calling for records of the Tribunal in its impugned order dated 31.03.2023 in OA 408/2018 passed by Central Administrative Tribunal, Chennai Bench and quash the same.

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WP No.42922 of 2025

Union of India,
Rep. by the Superintendent of Post Officer,
Srirangam Division,
Srirangam – 620 006.

..Petitioner

Vs

A.P.Anbumani

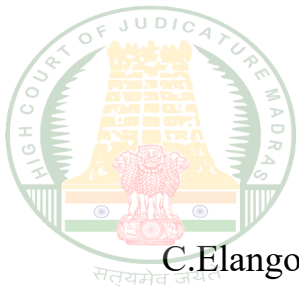
..Respondent

Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a writ of Certiorari, calling for records of the Tribunal in its impugned order dated 31.03.2023 in OA 310/2022 passed by Central Administrative Tribunal, Chennai Bench and quash the same.

WP No.44767 of 2025

- 1 Union of India
Rep by the Secretary
Ministry of Communication,
Department of Posts
Dak Bhavan, Sansad Marg,
New Delhi-110001.
- 2 The Chief Postmaster General
Tamil Nadu Circle
Anna Salai Chennai- 600002.
- 3 The Postmaster General
Southern Railway (TN)
Madurai-625 002.
- 4 The Senior Superintendent of Post Offices,
Madurai Division,
Madurai -625 002..

..Petitioners



Vs

C.Elangovan

..Respondent

WEB COPY

Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a writ of Certiorari, calling for records of the Tribunal in its impugned order dated 16.06.2023 in OA 658/2021 passed by Central Administrative Tribunal, Chennai Bench and quash the same.

In all W.Ps.

For Petitioner:

Mr.S.Girishh for
Mr.M.Karthikeyan

For Respondent in
W.P Nos.42922 &
44767 of 2025

Mr.C.Premkumar

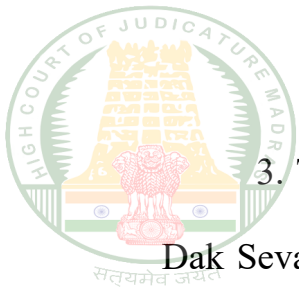
For Respondent in
W.P Nos.14035, 18653 No Appearance
& 32474 of 2025

COMMON ORDER

(Order of the Court was made by S.M.Subramaniam J.)

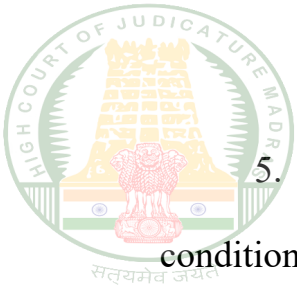
Under assail are the orders passed by the Central Administrative Tribunal, Chennai Bench in O.A.No.501 of 2022, dated 05.04.2023, OA 1414 of 2019, dated 29.03.2023, OA 408 of 2018, dated 31.03.2023, OA 310 of 2022, dated 31.03.2023, & OA 658 of 2021, dated 16.06.2023.

2. The Union of India is the petitioner before this Court. The respondents filed Original Applications seeking relief to direct the Writ Petitioner Department to grant pension to the respondents herein, under old pension scheme.



3. The case of the respondents are that they all joined service as Gramin Dak Sevak (GDS) before 01.01.2004 which is the cut off date for old pension scheme and thereafter appointed to the regular post as Postman / Postwoman after 01.01.2004 and attained the age of superannuation on various dates. For grant of pension under Old Pension Scheme, the date of appointment must be prior to 01.01.2004. Since the respondents were appointed to the Departmental Cadre as a Postman / Postwoman after 01.01.2004, it was declared that they are eligible for pension only under New Pension Scheme. Aggrieved against the same, the respondents approached the Central Administrative Tribunal, Chennai Bench. The Tribunal without considering the above facts, has held that the period of service as Gramin Dak Sevak must be considered for purpose of reckoning their qualifying service for pensionary benefits and accordingly directed the petitioners herein to grant them pension under old pension scheme. Aggrieved against the same, the Union of India has preferred the present writ petitions.

4. It is not in dispute that the New Pension Scheme (NPS) was implemented by the Government of India with effect from 01.01.2004. The respondents were initially engaged as Gramin Dak Sevak (GDS) in the Postal Department. They were engaged for hourly pay and on need basis. There is no sanctioned post of Gramin Dak Sevak in the Postal Department.



5. Service Rules for Postal Gramin Dak Sevak provides terms and conditions of engagement. The terms and conditions reads as under,

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3-A. Terms and Conditions of Engagement

(i) A Sevak shall not be required to perform duty beyond a maximum period of 5 hours in a day;

(ii) A Sevak shall not be retained beyond 65 years of age;

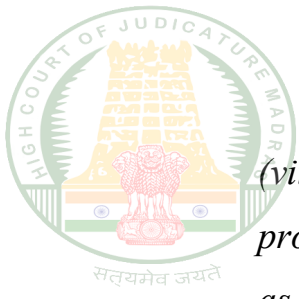
(iii) A Sevak shall have to give an undertaking that he has other sources of income besides the allowances paid or to be paid by the Government for adequate means of livelihood for himself and his family;

(iv) A Sevak can be transferred from one post / unit to another post/ unit in public interest;

(v) A Sevak shall be outside the Civil Service of the Union;

(vi) A Sevak shall not claim to be at par with the Central Government employees;

(vii) Residence in post village/delivery jurisdiction of the Post Office within one month after selection but before engagement shall be mandatory for a Sevak; Failure to reside in place of duty for GDS BPM and within delivery jurisdiction of the Post Office for other categories of Gramin Dak Sevaks after engagement shall be treated as violative of conditions of engagement and liable for disciplinary action under Rule 10 of the Conduct Rules, requiring removal/dismissal;



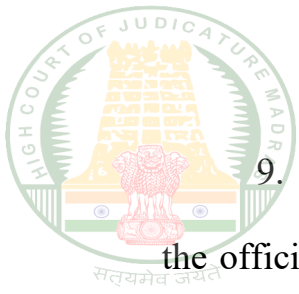
(viii) *Post Office shall be located in the accommodation to be provided by Gramin Dak Sevak Branch Postmaster suitable for use as Post Office premises;*

(ix) *Combination of duties of a Sevak shall be permissible;*

6. As per the above terms and conditions of Engagement, GDS are not civil servants. They perform duties on hourly basis. They are engaged on need basis by the Postal Department. Therefore, they are not entitled to claim service benefits on par with the other Government servants working as regular employees.

7. Gramin Dak Sevak continuing as such for considerable length of time, are considered for permanent absorption in the sanctioned post in the time scale of pay. This concession was extended taking note of the fact that they have experience in the Postal Department and further, their services on regular basis would be of more helpful to the Postal Department. They are absorbed against the regular vacancy on the basis of eligibility and length of service.

8. The respondents were absorbed on regular basis as Multi Tasking Staff (MTS) i.e. Postman / Postwoman in the Postal Department after the cut off date 01.01.2004, after which they served as regular employees in the time scale of pay and retired from service on attaining the age of superannuation.

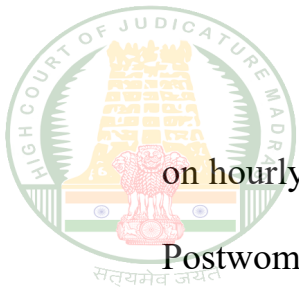


9. The Original Applications before the Tribunal were filed to count the officiating services rendered by the respondents in the post of Gramin Dak Sevak, before their absorption as regular employees.

10. The learned counsel for the petitioners would submit that the Gramin Dak Sevaks are not entitled for counting of the services rendered as hourly basis employees and their service will be reckoned for pension purposes only from the date on which they are regularly absorbed in the post of Multi Tasking Staff i.e, Postman / Postwoman and the respondents in the present case, were admittedly appointed on various dates, but only after 01.01.2004. Thus, they will fall under the New Pension Scheme (NPS), since they were appointed after 01.01.2004. Therefore, counting of earlier service would not arise at all.

11. The learned counsel appearing for the respondents (in W.P Nos.42922 & 44767 of 2025) would oppose by stating that the services rendered by the respondents as Gramin Dak Sevak are to be considered as regular services for counting of qualified services, as their appointment to the post of Postman/Postwoman is to be considered as promotion.

12. The proposition mooted out by the learned counsel for the respondents is running counter to the nature and conditions of appointment of the respondents. The appointment of Gramin Dak Sevak is governed under the Service Rules for postal Gramin Dak Sevak and accordingly, they are engaged



on hourly basis. Only when they are absorbed as Multi Tasking Staff (Postman / Postwoman) on regular basis in a sanctioned post in the time scale of pay, they are brought under the regular establishment and such services alone would be taken into consideration for reckoning the qualifying services and for grant of pension and other monetary benefits.

13. In the present case, the respondents admittedly were appointed in a sanctioned post as a regular employees only after the implementation of the New Pension Scheme on 01.01.2004. Therefore, they are eligible to avail the pension benefits under the New Pension Scheme.

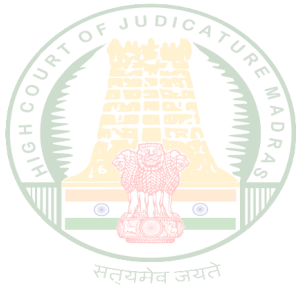
14. In view of the above, the order passed by the Central Administrative Tribunal, Chennai Bench in O.A.No.501 of 2022, dated 05.04.2023, OA 1414 of 2019, dated 29.03.2023, OA 408 of 2018, dated 31.03.2023, OA 310 of 2022, dated 31.03.2023, OA 658 of 2021, dated 16.06.2023 are hereby set aside. The Writ petitions are allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

(S.M.S.,J.)

(N.S.,J.)

04-08-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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WP No. 14035 of 2



**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

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To
The Central Administrative Tribunal, Chennai Bench

**WP Nos.14035, 18653, 32474,
42922 & 44767 of 2025 and
WMP Nos.15796, 20889, 36394,
48001, 49956 and 49959 of 2025**

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