

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
ERNAKULAM

Original Application No. 180/01063/2018
Original Application No. 180/00238/2024
Original Application No. 180/00247/2024
Original Application No. 180/00265/2024
Original Application No. 180/00268/2024
Original Application No. 180/00331/2024
Original Application No. 180/00363/2024

Tuesday, this the 16th day of September, 2025

CORAM:

HON'BLE Mr. JUSTICE SUNIL THOMAS, JUDICIAL MEMBER

1. O.A No. 180/01063/2018 -

Seena. R.S.,
Postal Assistant, Kaithacodu P.O,
Kollam-691 543, Residing at Ushus,
Thazham North, Chathanoor,
Kollam-691 572.

- **Applicant**

[By Advocate : Mr. Vishnu S. Chempazhanthiyil]

Versus

1. Union of India,
represented by The Secretary & Director General,
Department of Posts, Dak Bhavan,
New Delhi-110 001.
2. The Chief Postmaster General,
Kerala Postal Circle,
Thiruvananthapuram-695 033.

3. The Senior Superintendent of Post Offices,
Kollam Postal Division,
Kollam - 691 001.
4. The Superintendent of Post Offices,
Thiruvalla Postal Division - 689 101. - **Respondents**

[By Advocate : Mr. M.T. Muraleedharan, ACGSC]

2. O.A No. 180/00238/2024 -

Parangodan K., aged 69 years,
S/o. Ayyappan K. (Late), Retired Postman,
Manjeri Head Post Office, Pin: 676 121.,
residing at Thamimadathil House, Palakkad P.O.,
Kuzhimanná (via)., Pin: 673 641. - **Applicant**

[By Advocate : Mr. Vineeth Komalachandran]

Versus

1. Union of India,
represented by the Secretary to Government,
Department of Posts,
Government of India,
New Delhi-110 001.
2. The Chief Postmaster General,
O/o. The Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram - 695 033.
3. The Superintendent of Post Offices,
O/o. the Superintendent of Post Offices,
Manjeri Postal Division,
Manjeri, Pin: 676 121. - **Respondents**

[By Advocate : Mr. Rajesh Sukumaran K., ACGSC]

3. **O.A No. 180/00247/2024 -**

1. Rajesh K.S., aged 48 years, S/o. Sivankutty,
Postal Assistant, Pala HPO, Pin: 686 575, residing at
Kottapurathu House, Poonjar Thekkekara P. O.,
Kottayam District, Pin:686 582
2. Preethy P.V., aged 50 years, W/o. Rajesh R.,
Postal Assistant, Kottayam Head Office, Pin: 686 001.,
residing at Vallyakatt House, Manarcad P.O., Pin: 686 019
3. Subhadra M., aged 60 years, W/o. Venugopalan K.,
Retired Postal Assistant, Wadakanchery HPO, residing at
'Subhadram' C/o. Narayanan Nair, Changarath House,
Sankarapuram, Mulagunnathukavu P.O., Thrissur District,
Pin: 680 581
4. Dijina K. M., aged 51 years, W/o. Premadasan K.P.,
Postal Assistant, Panoor S. O, Thalassery Divison,
Pin :670 692, residing at Amritham, Kizhakke Kadirur,
Thalassery, Kannur, Pin :670 642
5. Raju Joseph, aged 61 years, S/o. Babu Jacob,
Retired Sub Post Master, Pulickakavala P. O., Pin: 686 515,
residing at Chavarananickal, Maryland P. O.,
Melukavumattom, Kottayam, Pin: 686 652. - **Applicants**

[By Advocate : Mr. Vineeth Komalachandran]

Versus

1. Union of India,
represented by the Secretary to Government,
Department of Posts,
Government of India,
New Delhi-110 001.

2. The Chief Postmaster General,
O/o. The Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram - 695 033.
3. The Senior Superintendent of Post Offices,
O/o. the Senior Superintendent of Post Offices,
Kottayam Postal Division,
Kottayam, Pin: 686 001.
4. The Senior Superintendent of Post Offices,
O/o. the Senior Superintendent of Post Offices,
Thrissur Postal Division,
Thrissur, Pin: 680 001.
5. The Superintendent of Post Offices,
O/o. the Superintendent of Post Offices,
Thalassery Postal Division,
Thalassery, Pin: 670 101.
6. The Superintendent of Post Offices,
O/o. the Superintendent of Post Offices,
Changanassery Postal Division,
Changanassery, Pin: 686 101.

- Respondents

[By Advocate : Mr. M.N Manmadan, SCGSC]

4. **O.A No. 180/00265/2024** –

1. Rajesh Kumar P., aged 47 years,
S/o. Ramakrishnan Nair G., Sub Postmaster,
Pallickachira Kavala S.O.,
Changanassery Division, Pin: 686 537,
residing at 'Sivamayam',
Mundankavunkal, Palackathakidi P.O.,
Kunnamthanam 689 581,
Thiruvalla.

2. Saseendran K. N., aged 61 years,
S/o. Narayanan, Retired Postman,
Koovappally P.O., Pin:686 518,
residing at Koippamattathil House,
Mukkoottuthara P.O.,
Elivalikkara, Pin:686 510.
3. Asokan. E.S., aged 58 years,
S/o. E.N. Sukumaran,
Retired Mail Overseer,
Kanjirapally Sub Divison,
Kanjirappally, Pin :686 507,
residing at Errickattu House,
Wembly P.O., Kottickal, Pin: 686 514.
4. Thomas J. Kainikara, aged 69 years,
S/o. Joseph, Retired Postman,
Changanassery H.O.,
residing at Kainikara House,
Kotamury, Thrikodithanam P.O.,
Pin: 686 105.

- **Applicants**

[By Advocate : Mr. Vineeth Komalachandran]

Versus

1. Union of India,
represented by the Secretary to Government,
Department of Posts,
Government of India,
New Delhi-110 001.
2. The Chief Postmaster General,
O/o. The Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram - 695 033.

3. The Postmaster General,
Central Region, Kochi - 682 020.

4. The Superintendent of Post Offices,
O/o the Superintendent of Post Offices,
Changanassery Postal Division,
Changanassery, Pin: 686 101.

- **Respondents**

[By Advocate : Mr. E.N. Hari Menon, ACGSC]

5. **O.A. No. 180/00268/2024** -

1. G.M. Thankachan, aged 69 years,
S/o. Geevarghese Mathunny,
Retired Postman, Chadayamangalam S.O.,
Pin: 691 531, residing at Tejus,
Cheruvakkal P.O., Ayur, Kollam District,
Pin: 691 533

2. Denzy K. Daniel, aged 46 years,
W/o. Shaji P.M., Sub Post Master,
Vayakkal P. O., Valakom, Pin: 691 532,
residing at C.S. Cottage, Vayakkal. P.O.,
Valakom, Pin: 691 532

3. Sheeba Kumari. M., aged 53 years, D/o. Y. Geroge,
Postal Assistant, Kollam Civil Station S.O., Pin: 691 013,
residing at 'Bharat', Lakshman Nagar - 20, Ashram P. O.,
Kollam District, Pin :691 002, having permanent address as
Kattuvila Vadakkattil, Kuzhimathicadu P.O., Kollam District,
Pin:691 509

4. R. Gandhidasan, aged 67 years, S/o. Raghvan (Late),
Retired Postman, Asramom S.O., Pin: 691 002,
residing at Anchubhavanam, Kothapuram,
Kairali Junction P. O., Sasthamcotta, Kollam District,
Pin: 690 521.

- **Applicants**

[By Advocate : Mr. Vineeth Komalachandran]

Versus

1. Union of India,
represented by the Secretary to Government,
Department of Posts,
Government of India,
New Delhi-110 001.
 2. The Chief Postmaster General,
O/o. The Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram - 695 033.
 3. The Postmaster General,
Central Region, Kochi - 682 020.
 4. The Senior Superintendent of Post Offices,
O/o. the Senior Superintendent of Post Offices,
Kollam Postal Division,
Kollam, Pin: 691 001.
- Respondents

[By Advocate : Mr. M.N Manmadan, SCGSC]

6. **O.A. 180/00331/2024 -**
 1. Mathew Sebastian, aged 63 years,
S/o. E. C. Sebastian,
Retired Mail Overseer,
Changanassery Division,
residing at Edackattu House,
Elamkad P.O.,
Koottickal, Pin: 686 514
 2. G. Easwara Chandra Vidyasagar,
aged 64 years,
S/o. P. Gopalan, Retired Postman,
East Kallada S.O.,
residing at Gopala Mandhiram,
Adichanalloor P.O.,
Kollam District, Pin: 691 573.
- Applicants

[By Advocate : Mr. Vineeth Komalachandran]

Versus

1. Union of India,
represented by the Secretary to Government,
Department of Posts, Government of India,
New Delhi-110 001.
2. The Chief Postmaster General,
O/o. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram - 695 033.
3. The Postmaster General,
Central Region, Kochi - 682 020.
4. The Superintendent of Post Offices,
O/o. the Superintendent of Post Offices,
Changanassery Postal Division,
Changanassery, Pin: 686 101.
5. The Senior Superintendent of Post Offices,
O/o. the Senior Superintendent of Post Offices,
Kollam Postal Division,
Kollam, Pin: 691 001. - **Respondents**

[By Advocate : Mr. Rajesh Sukumaran K, ACGSC]

7. O.A No. 180/00363/2024 -

1. Mary Delani K.A., 46 years,
W/o. K.R. Joseph, SPM, Alappuzha Bazar,
Pin: 688 012,
residing at Kocheekaran Veedu,
Thumpoly P.O., Alappuzha, Pin: 688 008.

2. Jyothi. B., 44 years,
W/o. Ratheesh. D. LSG PA, APM (SB),
Alappuzha H.O., Pin: 688 001,
residing at Thyparambu, Mullackal,
Alappuzha, Pin: 688 081.
3. Asa. S., 42 years,
W/o Ratheesh Babu. M, SPM,
Punnapra P.O., Alappuzha, Pin: 688 004,
residing at Sarayu, West Gate, Ambalappuzha P.O.,
Alappuzha, Pin: 688 561.
4. Ambili K.S., 45 years,
W/o. Anil T.K., LSG SPM,
Kothamangalam College S.O.,
Aluva, Pin:686 666,
residing at Thettikkottu House,
Nelimattom P.O., Ernakulam,
Pin: 686 693.
5. Divya M.K., 47 years,
W/o. Prasad C.K.,
LSG OA (Inv Branch) O/O SSPOs,
Calicut, Pin: 673 005,
residing at Uthradam,
Nambidikandy paramba,
Puthiyangadi P.O., Calicut,
Pin: 673 021.
6. Reshmi. P, 45 years,
W/o. Harish. K, LSG SPM,
Puthiyangadi S.O. Kozhikode,
Pin: 673 021, residing at Samrudhi,
Paduvattu Paramba, Karuvissery P.O.,
Kunduparamba, Pin: 673 010.

7. Amitha. E, 42 years,
W/o. Baiju V.P., LSG SPM,
Ferokepettah, Pin: 673 631,
residing at Dhvani,
Asarikandi Paramba,
B.C. Road West, Beypore, P.O.,
Kozhikode Pin: 673 015.
8. Sreehari. M, 41 years,
S/o. Unnikrishnan. M,
LSG SPM, Thiruvannur Nada S.O.,
Calicut, Pin: 673 029,
residing at Manakkal,
Ambalathukulangaara,
Chelannur, Calicut, Pin: 673 616.
9. Honeymol P.S., 44 years,
W/o. Gixon Nunez,
Postal Assistant,
Ernakulam H.O., Kochi,
Pin: 682 011, residing at
Pallikkavu Vadakkemadam,
Vaduthala P.O., Kochi,
Pin: 682 023.
10. Indumol K., 44 years,
D/o. V. Krishna Kumar,
Postal Assistant, Kaloore P.O.,
Ernakulam, Pin: 682 017,
residing at Illathuparambil House,
SRM Road, Ernakulam North P.O.,
Ernakulam, Pin: 682 018.
11. Deepa. M. 44 years,
W/o. Rajesh. A. Postal Assistant SPM,
Thammanam. P.O., Kochi, Pin: 682 032.
residing at Devar House, Ruby Lane,
Thammanam P.O., Kochi, Pin: 682 032.

12. Jyothi. U. 42 years,
D/o. D. Udavabhanu,
Postal Assistant (LSG),
Registration Delivery PA (LSG),
Mattancherry P.O., Ernakulam,
Pin: 682 002,
residing at Uthram House,
Near Nadakkavu Devi Temple,
Udayamperoor P.O.,
Ernakulam, Pin: 682 307.
13. Dawn V. Job, 42 years,
W/o. Jismon Jose, LSG SPM,
Udumbanoor S.O., Idukki,
Pin: 685 595, residing at Vadakkekara House,
Parappuzha P.O., Idukki, Pin: 685 582.
14. Reshmi. K. 44 years,
W/o. Vinod. T. Postal Assistant,
Taliparamba P.O., Kannur,
Pin: 670 141,
residing at Sreenilayam,
Anchampeedika P.O.,
Kannur, Pin: 670 331.
15. Dhanya. V.S., 42 years,
W/o. Sajeev. M., Accountant,
O/o SSPOS Kollam, Pin: 691 001.
residing at Diyadarsh, NRA 69,
Neelamthottam, Cutchery P.O.,
Kollam, Pin:691 013 .
16. Aswathi. K., 43 years, W/o. B. Jayakrishnan,
SPM, Odanavattom S.O., Kollam, Pin:691 512,
residing at Jaya,
Padinjattinkara, Kottarakkara P.O.
Kollam, Pin: 691 506.

17. Lekshmi Thankam, 44 years,
W/o. Rajeev K., Accountant,
Head Post Office, Kollam,
Pin: 691 001,
residing at Lekshmee Govindam,
Residency Nagar-126,
Asramam P.O., Kollam,
Pin: 691 002.
18. Rajesh Kumar G, 44 years,
S/o. GopalaKrishnan Pillai,
Inspector Posts,
O/o. of PMG Central Region Kochi,
Pin: 682 020, residing at Avittom,
Vallikeezhu, Kavanad PO, Kollam.,
Pin: 691 003
19. Salini Devi C.R.,
41 years, W/o. Anish C.A.,
LSG SPM, TV Puram S.O.,
Kottayam, Pin: 686 606,
residing at Nandanam,
Chalasseril House,
Perumpilly P.O. Mulamthuruthy P.O.,
Ernakulam Pin: 682 314.
20. Vijayasree T.D., 47 years,
W/o. Nishikanth. K, SPM,
Thazhakara S.O., Mavelikkara,
Pin: 690 102 residing at Kattil House
Puthiyakavu P.O., Mavelikara, Pin: 690 101.
21. Vijayasree K., 42 years,
W/o. Aravindan. S, Postal Assistant (LSG),
Pallickal MDG, Pin: 690 503,
residing at Aravinda Vilasam,
Bharanickavu PO,
Pallickal, Pin: 690 503.

22. Veena G, 42 years,
W/o. Anil Kumar. A.,
Accountant (Kayamkulam H.O.
on Deputation to Mavelikara),
Mavelikkara, Pin: 690 101.
residing at Krishnajitham,
Near Gayathiri Central School,
Pullikkanakku P.O, Kayamkulam,
Pin: 690 537.
23. Renu Babu, 45 years,
W/o. Shiju K.V., Postal Assistant,
Poothole S.O. Thrissur, Pin: 680 004,
residing at Kandamkulathy House,
Santhy Lane, Chettupuzha P.O.,
Thrissur, Pin: 680 012.
24. Saritha Simon. C, 43 years,
W/o. Binoy. P.J., LSG SPM,
Ariyannur, P.O., Thrissur,
Pin: 680 102, residing at Porathur,
Panokkaran House, P.O Peruvallur.,
Pin: 680 508.
25. Beena V.B., 47 years,
W/o. T.R. Sunil Kumar, LSG SPM,
Enkakad P.O. Thrissur, Pin: 680 589,
residing at Thachappara House,
Villadom, R. V. Puram P.O.,
Thrissur, Pin: 680 631.
26. Anupama. U, 43 years,
W/o. Ajayan. U, LSG SPM,
Mullurkara S.O. Thrissur,
Pin: 680 583, residing at
Parangodath House, Panjal P.O.,
(via) Cheruthuruthy, Pin: 679 531.

27. Reesha Rani, 45 years,
W/o. Salin Jose, LSG SPM,
Sreenivasapuram S.O. Varkala,
Tvm North., Pin: 695 145
residing at Pazhavila Veedu,
Paraniam, P.O. Poovar,
Thiruvananthapuram Pin: 695 525.
28. S. Resmi Soman, 45 years,
W/o. Lalu P.V., LSG SPM,
Thattathumala P.O.,
Thiruvananthapuram, Pin: 695 614,
residing at Vamadevam,
Chembrakulam Lane,
Vattiyoorkavu P.O.,
Thiruvananthapuram, Pin: 695 013.
29. Anitha S.S., 43 years,
W/o. Harikrishnan C.G.,
LSG Postal Assistant, O/o. SSPO Tvm North,
Pin: 695 001., residing at
TC-8/1393-2 Chithanyam,
Elippode, Thirumala P.O.,
TVM, Pin: 695 001.
30. Anurag K.R., 46 years,
S/o. K. Ravindranath, LSG SPM,
Navaikulam S.O. Tvm North,
Pin: 695 603 residing at
Sarangi Cherukkaram Pullayil, P.O.
Kilimanur, Tvm, Pin: 695 601.
31. Simi L.S. 42 years,
W/o. Shibu Shine V.C.. LSG SPM,
Thirupuram P.O., Thiruvananthapuram,
Pin: 695 133, residing at Ushas,
Sittaram, Thirupuram P.O.,
Thiruvananthapuram, Pin: 695 133.

32. Lekshmi S Revi, 49 years,
W/o. K. Pradeep Kumar.,
LSG SPM, Thiruvallom S.O.
Trivandrum South, Pin: 695 027
residing at Kunjuveetil, Aruvipuram Road,
Near Csi Church, Peyad,
Trivandrum Pin: 695 573.
33. Leena M Thomas, 42 years,
W/o. Justin George S.S.. LSG SPM,
SPM Kaudiar Square Tvm South,
Pin: 695 003., residing at
TC 8/201. Kairali Nagar, Thirumala P.O.,
Trivandrum, Pin: 695 006.

- **Applicants**

[By Advocate : Mr. Vineeth Komalachandran]

Versus

1. Union of India,
represented by the Secretary to Government,
Department of Posts,
Government of India,
New Delhi-110 001.
2. The Chief Postmaster General,
O/o. The Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram - 695 033.
3. The Postmaster General,
Central Region, Kochi - 682 020.
4. The Superintendent of Post Offices,
O/o. The Superintendent of Post Offices,
Alappuzha Postal Division,
Alappuzha, Pin: 688 012.

5. The Senior Superintendent of Post Offices,
O/o. The Senior Superintendent of Post Offices,
Aluva Postal Division, Aluva,
Pin: 683 101.
6. The Senior Superintendent of Post Offices,
O/o. The Senior Superintendent of Post Offices,
Calicut Postal Division,
Calicut, Pin: 673 003.
7. The Senior Superintendent of Post Offices,
O/o. The Senior Superintendent of Post Offices,
Ernakulam Postal Division,
Ernakulam, Pin: 682 011.
8. The Superintendent of Post Offices,
O/o. The Superintendent of Post Offices,
Idukki Postal Division,
Idukki, Pin: 685 584.
9. The Superintendent of Post Offices,
O/o. The Superintendent of Post Offices,
Kannur Postal Division,
Kannur, Pin: 670 001.
10. The Senior Superintendent of Post Offices,
O/o. The Senior Superintendent of Post Offices,
Kollam Postal Division,
Kollam, Pin: 691 001.
11. The Senior Superintendent of Post Offices,
O/o. The Senior Superintendent of Post Offices,
Kottayam Postal Division,
Kottayam, Pin: 686 001.

12. The Superintendent of Post Offices,
O/o. The Superintendent of Post Offices,
Mavelikkara Postal Division,
Mavelikkara, Pin: 690 101.
 13. The Senior Superintendent of Post Offices,
O/o. The Senior Superintendent of Post Offices,
Thrissur Postal Division,
Thrissur, Pin: 680 001.
 14. The Superintendent of Post Offices,
O/o. The Superintendent of Post Offices,
Trivandrum North Postal Division,
Trivandrum, Pin: 695 001.
 15. The Superintendent of Post Offices,
O/o. The Superintendent of Post Offices,
Trivandrum South Postal Division,
Trivandrum, Pin: 695 036.
- Respondents

[By Advocate : Mr. S. Ramesh, ACGSC]

The Original Applications having been heard on 29.08.2025, the Tribunal on 16.09.2025 delivered the following:

COMMON ORDER

Per: Justice Sunil Thomas, Judicial Member -

All the applicants herein were engaged under the respondents Postal Department, either as Postal Assistant or as Postmen. All of them were appointed towards the vacancies that arose in 2002, by a selection process pursuant to a notification issued by the respondents. It is seen that vacancies

were approved by the Department of Post by notification dated 18.9.2003. The applicants responded to the vacancy notification and in the selection process they were successful and they were appointed after 1.1.2004. In the mean while the National Pension System was brought into force with effect from 1.1.2004. While so, representations were submitted by various employees' organization contending that some of them were successful in the selection process conducted prior to the introduction of the National Pension System and they were entitled to the benefit of the old pension scheme. Accordingly, notification was issued by OM dated 17.2.2020 giving one time option to Central Government employees who were declared successful for recruitment in the results declared on or before 31.12.2003 against vacancies which occurred before 1.1.2004 and were covered under the National Pension System on joining on or after 1.1.2004 to be covered under the CCS (Pension) Rules, 1972 [now 2021].

2. Thereafter, further representations were received for extending the benefit of pension scheme on the ground that their appointments were made against post/vacancies advertised/notified for recruitment prior to the notification of the National Pension System. Accordingly, a notification dated 3.3.2023 was issued extending benefit of the old pension scheme and giving a one-time option to all those persons covered by paragraph (4) of the

said notification dated 3.3.2023.

3. The applicants claiming that though each of them was appointed after 1.1.2004, the selection process was towards vacancies notified prior to 1.1.2004 has approached the Postal Department seeking the benefits. All the representations were rejected on the premise that all of them were appointed after 1.1.2004.

4. Aggrieved by the rejection of their claim for inclusion in the old pension scheme, the applicants have approached this Tribunal. Some of the applicants are still in service, while others have retired.

5. Respondents filed separate reply statements in the OAs commonly contending that the applicants were appointed by the respondents after 1.1.2004. Since the notification was issued by the PMG, Kerala on 5.1.2004 and the applicants were selected and they had joined the service after 1.1.2004, they were covered under the National Pension System (NPS). It was also contended that the benefits of the OM dated 3.3.2023 cannot be extended to the applicants since the selection process was completed after 1.1.2004. Accordingly, their request for bringing them under the benefit of old pension scheme was rightly rejected.

6. Heard both sides and examined the records.

7. Admittedly, the notification 12-2/2002 of Trivandrum was issued by the Office of Chief Postmaster General of Kerala Circle, Trivandrum on 05.01.2004 for conducting of examination for recruitment to the cadre of Postman/Mail Guard for the year 2002. The National Pension System was notified on 22.12.2003. Thereafter, OM dated 03.03.2023 was issued by the Ministry of Pension & Pensioners' Welfare regarding the coverage under Central Civil Services (Pension) Rules in place of National Pension System, of those Central Government employees who were recruited against posts/ vacancies advertised/notified for recruitment, on or before 22.12.2003. The crucial part of the said OM is seen at paragraph 4, which is extracted as follows:

“.....It has now been decided that in all cases where the Central Government civil employee has been appointed against a post or vacancy which was advertised/notified for recruitment/appointment, prior to date of notification for National Pension System i.e. 22.12.2003 and is covered under the National Pension System on joining service on or after 01.01.2004 may be given a one-time option to be covered under CCS (Pension) Rules, 1972 (2021).....”

The cut-off date for exercising the option was also provided.

8. Accordingly, all the applicants had opted to switch over to the old pension scheme which were rejected by the respondents on the premise that all the applicants have joined the Postal Department after 01.01.2004.

9. The short question that arises in all the Original Applications, is whether each of the applicants who has been appointed after 01.01.2004 is appointed against “*a post or vacancy which was advertised/notified for recruitment/appointment prior to the notification of National Pension System i.e. 22.12.2003*”.

10. In this regard, to buttress the legal point involved, the learned counsel for the applicants invited my attention to a few decisions in which the same issue has been the subject matter. In OA No. 649/2015, this Tribunal had found that the applicant was appointed as a Postman on 26.06.2004. On facts, it was found that the vacancy had arisen prior to 2004. Records indicated that he was appointed against a vacancy which arose in the year 2002 and that the vacancy was notified prior to 01.01.2004. Accordingly, it was held that the applicant was entitled to the benefit of OM dated 03.03.2003 and accordingly, it was allowed. Though it was subjected to challenge in OP (CAT) No.197/2017, the OP (CAT) was disposed of confirming the order of this Tribunal.

11. Another matter that came up for consideration was in OA No. 207/2024 - ***E. Parmeswaran v. Union of India***. In that case, the applicant was appointed as a Postman on 26.06.2004. The proceedings for the Department Promotion Committee, which recommended for the

appointment of the applicant was produced as Annexure A2 in that OA. It was noticed that a communication was issued by the Assistant Director, Staff dated 10.12.2003 with reference to RECT/9-2/2002 addressed to all SSPOs, SPOs. It related to optimization of direct recruitment in civilian post. It stated that the number of posts approved by the Screening Committee for filling up in the region in Postman and Group D cadres for the year 2002 have been apportioned as mentioned therein. It was stated that the Chief PMG had ordered to initiate the recruitment process in respect of Group D to be completed by 31.12.2003. The DPC was held on 25.05.2004 for selection to the cadre of Postman from the GDS on the basis of seniority-cum-fitness. It was found that the applicant was appointed against the vacancy of Postman, which was notified for appointment prior to the notification dated 22.12.2003. Hence on facts, the OA was allowed and the applicant therein was ordered to be granted the benefit of OM dated 03.03.2003.

12. It seems that the order was implemented. The respondents did not even challenge that order. A copy of the proceedings in MA No.1063/2024 in OA No.207/2024 was produced by the applicants. It shows that on 13.06.2025, it was recorded by this Tribunal that ACGSC submitted that the PPO was issued.

13. In the OAs herein, the factual situation is almost identically same as in the earlier referred OAs'. The applicants placed reliance on a communication issued by the Department of Posts from the Assistant Director General, SPN signed on 18.9.2003 addressed to all Principal Chief Postmaster Generals. It was stated therein that earlier all circles were requested to furnish a report covering the requirements of various cadres for formulating the annual direct recruitment plan in respect of Groups B, C and D posts for 2002. Based on the recommendations of the screening committee 2150 vacancies which were to be filled up through direct recruitment for 2002 have been allocated to the circles as per the enclosed statement. It was directed that respondents shall not change the allocation since it was apportioned on the basis of the feed back from the various circles. Accordingly, the Postmaster Generals were directed to fill up the vacancies. As per the statement enclosed along with the communication 107 vacancies of PA and 18 vacancies of Postmen were identified for the Kerala circle. A copy of the file notings there pursuant to the above OM is placed on record in few OAs. It was obtained under the Right to Information Act.

14. Pursuant to the above notification, examination for recruitment to both the categories in common were to be held on 22.2.2004. It was proposed that an officer of DPS may be nominated to set up the question paper. The first

noting is dated 15.12.2003. Thereafter, selection process was set into motion and examination was conducted. Evidently, the notification for recruitment had commenced prior to 1.1.2004.

15. These facts clearly show that the posts were identified and were notified. In OM dated 3.3.2023 both the terms “advertised/notified for recruitment/appointment” are used. In the light of both the terms available in the OM it is clear that both cannot have the same meaning and are not synonymous to each other. In normal parlance, “advertised” refers to a public announcement for vacancies usually in a newspaper, that invites applications, while “notified” indicates a formal, often statutory or rule based declaration that a vacancy exists providing a legal basis for the recruitment process. Advertisements are a method of communicating vacancies to a broad audience to ensure transparency, whereas notification is a formal act by an authority to inform public or specific bodies about something significant, like a deemed vacancy. Thus, advertisements are public announcement, often through newspapers or other media, that details the number of posts, eligibility criteria etc. On the other hand, notifications are formal communications often issued as a statutory rule that serves as the legal basis for action. Evidently, advertisement is published for public information and the notification can be for official purpose for initiating the process of recruitment and should necessarily precede the advertisement. Evidently, in this case the posts have

been notified for recruitment for the year 2002. Though the entire process was completed and the applicants appointed after 1.1.2004, evidently, they were appointed against vacancies notified for recruitment. This view seems to be in consonance with the earlier view of the Tribunal. The claim of applicants to that extent is liable to be allowed.

16. In the light of the above finding the OAs are only to be allowed granting them for the purpose of pension, the benefit of OM dated 3.3.2023. Appropriate orders shall be passed in relation to the retired employees bringing them under the coverage of the old pension scheme. In the case of serving employees also fresh orders shall be passed bringing them under the coverage of the old pension scheme and consequential orders passed therein. Both orders shall be passed within three months from the date of receipt of a copy of this order. The entire amount due to the applicants who have already been retired shall be paid within a period of one month thereafter. If the entire amount is not paid within the above total of 4 months in the case of retired employees, the amount due will carry 9% interest till it is paid.

17. OAs are allowed to the above extent. No order as to costs.

(JUSTICE SUNIL THOMAS)
JUDICIAL MEMBER

“SA”

List of Annexures in O.A. No. 180/01063/2018

Annexure A1: True copy of the communication No. B/Rectt/PA/2004 dated 29.10.2004 issued by the 4th respondent.

Annexure A2: True copy of the order No.B/Rectt/PA/2004 dated 29.10.2004 issued by the 4th respondent.

Annexure A3: True copy of the judgment dated 15.02.2016 in O.A.No. 180/00020/2015 of this Court.

Annexure A4: True copy of the representation dated 25.04.2016 to the 2nd respondent.

Annexure A5: True copy of the judgment dated 27.03.2017 in W.P(C)No. 2810/2016 of the Hon'ble High Court of Delhi.

Annexure A6: True copy of the O.M.No.57/04/2019-P&PW(B) dated 17.02.2020 issued by the Department of Pension and PW.

Annexure A7: True copy of the O.M.No. 57/05/2021-P&PW(B) dated 03.03.2023 issued by the Department of Pension and Pensioners' Welfare.

Annexure A8: True copy of the notification was published vide No. Rectt/4-3/2002 dated 26.11.2003 issued by the Asst. Director (Rectt). Office of the CPMG, Kerala Circle, Trivandrum.

Annexure A9: True copy of the D.O.No. 60-16/02-SPB-I dated 18.07.2002 issued by the Dy. Director General (P), Department of Posts, Ministry of Communications.

Annexure A10: True copy of the D.O.No. 60-29/2023-SPB-I dated 7-11-2003 issued by the Dy. Director General (P), Department of Posts, Ministry of Communications.

Annexure A11: True copy of the representation dated 04.08.2023 submitted by the applicant to the 3rd respondent.

Annexure R-1: True copy of case status downloaded from the website of the Hon'ble High Court of Kerala in OP(CAT) 304/2016.

Annexure R-2: True copy of common order dated 07.09.2018 in OP(CAT) 85/2016 and others.

Annexure R-3: True copy of the order dated 18/1/2017 in OP (CAT) 327/2016.

Annexure R-4: A true copy of order dated 28.01.2019 in OA 179/2014.

Annexure R-5: A true copy of the Department of Personnel and Training Office Memorandum dated 16.05.2001.

Annexure R-6: A true copy of the notification No. Rectt/4-3/2003 dated 3.3.2004

Annexure R-7: A true copy of the letter No. BB/NPS/Dlgs dated 6.10.2023.

List of Annexures in O.A. No. 180/00238/2024

Annexure A1: A true copy of the communication No. C/Pen/Misc dated 24.07.2023 issued by the 3rd Respondent to the Applicant.

Annexure A2: A true copy of the relevant pages of the communication No. Rectt/26-3/2001 dated 26.12.2002 issued by the 2nd Respondent.

Annexure A3: A true copy of the instruction No. 60-16/2002-SPB-I dated 18.09.2003 along with the vacancy position published on behalf of the 1st Respondent issued under RTI Act.

Annexure A4: A true copy of the Notification No. Rectt/12-2/2003 dated 05.01.2004 (erroneously typed as 05.01.2003 published by the 2nd Respondent.

Annexure A5: A true copy of the Memo No. B2/Exam/Pm/2004 dated 22.07.2004 issued by the 3rd Respondent to the Applicant.

Annexure A6: A true copy of the file noting issued under RTI Act from the date of receipt of Annexure A2 till the approval for the publication of notification for Postman Examination on 12.12.2003.

Annexure A7: A true copy of the O.M. No. 57/05/2021-P & PW(B) dated 03.03.2023 issued on behalf of the Department of Pension and Pensioners' Welfare.

Annexure A8: A true copy of the option submitted by the Applicant to the 3rd Respondent on 12.07.2023.

Annexure A9: A true copy of the Memo No. 34/NPS to OPS/2023-24 dated 30.11.2023 issued by Superintendent of Post Offices, Manipuri Division.

Annexure A10: A true copy of the reply No. R&E/1-90/RTI/Dlgs dated 3.6.2024 issued on behalf of the Chief Postmaster General, Karnataka Circle to the applicant.

Annexure R1(a): PMG, Northern Region, Calicut by memo No. Rectt/3-2/2003 dated 15.1.2004.

Annexure R1(b): The judgment order of OP (CAT) 258/2016 filed before the Hon'ble High Court of Kerala.

List of Annexures in O.A. No. 180/00247/2024

Annexure A1: A true copy of the communication No. B2/GL dated 30.10.2023 issued by the 3rd Respondent to the 1st Applicant

Annexure A1(a): A true copy of the communication No. B2/GL dated 30.10.2023 issued by the 3rd Respondent to the 2nd Applicant

Annexure A1(b): A true copy of the communication No. B2/CCS(P) Rule/Dlg dated 24.07.2023 issued by the 4th Respondent to the 3rd Applicant

Annexure A1(c): A true copy of the communication No. B1/51/Dlg dated 10.11.2023 issued by the 5th Respondent to the 4th Applicant

Annexure A1(d): A true copy of the communication No. B/Staff Gen/2022 dated 30.10.2023 issued by the 6th Respondent to the 5th Applicant

Annexure A2: A true copy of the instruction No. 60-16/2002-SPB-I dated 18.09.2003 along with the vacancy position published on behalf of the 1st Respondent issued under RTI Act

Annexure A3: A true copy of the file noting issued under RTI Act from the date of receipt of Annexure A2 till the approval for the publication of notification for Postman Examination on 22.12.2003

Annexure A4: A true copy of the Memo No B2/19/Exam/03 dated 21.07.2004 issued by the 3rd Respondent to the Applicants 1 and 2 intimating their appointment as postman on completion of training

Annexure A5: A true copy of the Memo B2/Rectt/Postman/2003 dated 02.07.2004 issued by the 4th Respondent to the 3rd Applicant

Annexure A6: A true copy of the Memo No. B2/19/Exam/03 dated 31.08.2004 issued by the 2nd Respondent to the 5th Applicant.

Annexure A7: A true copy of the Notification No. Rectt/12-2/2002 dated 05.01.2004 (erroneously typed as 05.01.2003 published by the 2nd Respondent

Annexure A8: A true copy of the O.M. No. 57/05/2021-P & PW(B) dated 03.03.2023 issued on behalf of the Department of Pension and Pensioners' Welfare

Annexure A9: A true copy of the option submitted by the 4th Applicant to the 5th Respondent on 10.07.2023

Annexure A10: A true copy of the Memo No. 34/NPS to OPS/2023-24 dated 30.11.2023 issued by the Superintendent of Post Offices, Manipuri Division.

List of Annexures in O.A. No.180/00265/2024

Annexure A1: A true copy of the communication No. B/Staff Gen/2022 dated 30.10.2023 issued by the 4th Respondent to the 1st Applicant.

Annexure A1(a): A true copy of the communication No. B/Staff Gen/2022 dated 30.10.2023 issued by the 4th Respondent to the 2nd Applicant.

Annexure A1(b): A true copy of the communication No. B/Staff Gen/2022 dated 30.10.2023 issued by the 4th Respondent to the 3rd Applicant

Annexure A1(c): A true copy of the communication No. B/Staff Gen/2022 dated 30.10.2023 issued by the 4th Respondent to the 4th Applicant.

Annexure A2: A true copy of the instruction No. 60-16/2002-SPB-I dated 18.09.2003 along with the vacancy position published on behalf of the 1st Respondent issued under RTI Act.

Annexure A2(a): A true copy of the file noting issued under RTI Act from the date of receipt of Annexure A2 till the approval for the publication of notification for Postman Examination on 12.02.2003.

Annexure A3: A true copy of the Notification No. Rectt/12-2/2002 dated 05.01.2004 (erroneously typed as 05.01.2003 published by the 2nd Respondent.

Annexure A4: A true copy of the appointment Memo No. B/10-20/03 dated 09.07.2004 issued by the 4th Respondent.

Annexure A5: A true copy of the O.M. No. 57/05/2021-P & PW(B) dated 03.03.2023 issued on behalf of the Department of Pension and Pensioners' Welfare.

Annexure A6: A true copy of the Memo No. 34/NPS to OPS/2023-24 dated 30.11.2023 issued by the Superintendent of Post Offices, Manipuri Division.

Annexure A7: A true copy of the option submitted by the 3rd Applicant to the 4th Respondent on 14.03.2023.

List of Annexures in O.A. No.180/00268/2024

Annexure A1: A true copy of the communication No. BB/MISC/2023 dated 24.05.2023 issued by the 4th Respondent to the 1st Applicant

Annexure A1(a): A true copy of the communication No. BB/MISC/2023 dated 24.05.2023 issued by the 4th Respondent to the 2nd Applicant

Annexure A1(b): A true copy of the communication No. BB/MISC/2023 dated 24.05.2023 issued by the 4th Respondent to the 3rd Applicant

Annexure A1(c): A true copy of the communication No. BB/MISC/2023 dated 24.05.2023 issued by the 4th Respondent to the 4th Applicant

Annexure A2: A true copy of the instruction No. 60-16/2002-SPB-1 dated 18.09.2003 along with the vacancy position published on behalf of the 1st Respondent issued under RTI Act

Annexure A3: A true copy of the file noting issued under RTI Act from the date of receipt of Annexure A2 till the approval for the publication of notification for Postman Examination on 12.02.2003

Annexure A4: A true copy of the Notification No. Rectt/12-2/2002 dated 05.01.2004 (erroneously typed as 05.01.2003 published by the 2nd Respondent

Annexure A5: A true copy of the select list published as per Memo No. BB/27/Exam/2003 dated 28.06.2004 issued by the 4th Respondent

Annexure A6: A true copy of the O.M. No. 57/05/2021-P & PW(B) dated 03.03.2023 issued on behalf of the Department of Pension and Pensioners' Welfare

Annexure A7: A true copy of the Memo No. 34/NPS to OPS/2023-24 dated 30.11.2023 issued by the Superintendent of Post Offices, Manipuri Division

Annexure A8: A true copy of the option submitted by the 1st Applicant to the 4th Respondent on 17.04.2023

Annexure R1: True copy of order dated 14.11.2014 in O.A.No.180/495/2013.

List of Annexures in O.A. No. 180/00331/2024

Annexure A1: A true copy of the communication No. B/Staff Gen/2022 dated 30.10.2023 issued by the 4th Respondent to 1st Applicant

Annexure Al(a): A true copy of the communication No. BB/MISC/2023 dated 24.05.2023 issued by the 5th Respondent to the 2nd Applicant

Annexure A2: A true copy of the instruction No. 60-16/2002-SPB-I dated 18.09.2003 along with the vacancy position published on behalf of the 1st Respondent issued under RTI Act

Annexure A3: A true copy of the file noting issued under RTI Act from the date of receipt of Annexure A2 till the approval for the publication of notification for Examination on 22.12.2003

Annexure A4: A true copy of the Notification No. Rectt/12-2/2002 dated 05.01.2004 (erroneously typed as 05.01.2003 published by the 2nd Respondent

Annexure A5: A true copy of the O.M. No. 57/05/2021-P & PW(B) dated 03.03.2023 issued on behalf of the Department of Pension and Pensioners' Welfare.

Annexure A6: A true copy of the Memo No. 34/NPS to OPS/2023-24 dated 30.11.2023 issued by the Superintendent of Post Offices, Manipuri Division

Annexure A7: A true copy of the option submitted by the 2nd Applicant to the 5th Respondent on 12.04.2023

Annexure A8: A true copy of the representation dated 30.05.2023 submitted by the 2nd Applicant to the 2nd Respondent

Annexure A9: A true copy of the Communication No. Rectt/4-3/Misc/2023 dated 25.07.2023 issued by the 2nd Respondent to the 2nd Applicant

List of Annexures in O.A. No. 180/00363/2024

Annexure A1: A true copy of the communication No. B/Pension dated 20.10.2023 issued by the 4th Respondent to the 2nd Applicant.

Annexure A2: A true copy of the instruction No. 60-16/2002-SPB-I dated 18.09.2003 along with the vacancy position published on behalf of the 1st Respondent issued under RTI Act.

Annexure A3: A true copy of the file noting issued under RTI Act from the date of receipt of Annexure A2 till the approval for the publication of notification for Postal Assistant Examination on 22.12.2003.

Annexure A4: A true copy of the Notification No. Rectt/4-3/2003 dated 03.03.2004 published by the 2nd Respondent.

Annexure A5: A true copy of the O.M. No. 57/05/2021-P & PW(B) dated 03.03.2023 issued on behalf of the Department of Pension and Pensioners' Welfare.

Annexure A6: A true copy of the Memo No. 34/NPS to OPS/2023-24 dated 30.11.2023 issued by Superintendent of Post Offices, Mani puri Division.

Annexure A7: A true copy of the representation along with option submitted by the 17th Applicant to the 10th Respondent on 07.08.2023.

Annexure A8: A true copy of the representation dated 01.08.2023 submitted by the 5th Applicant to the 6th Respondent.
