

No.99-24/2012-Pen.
Government of India
Ministry of Communications
Department of Posts
(Pension Section)

DakBhawan, Sansad Marg,
New Delhi-110 001
25th November, 2020

To

1. CPMG of all Postal Circles
2. Chief General Manager (BD&M), Dak Bhawan
3. Chief General Manager (PLI), Chanakya Puri, New Delhi
4. Director, Rafi Ahmad Kidwai National Postal Academy, Ghaziabad
5. All Directors/ Dy. Directors of Accounts (Postal)
6. Principal Director of Audit (Postal), Delhi-54
7. Addl. Director General, Army Postal Service Corps, Sena Dak Bhawan, Rao Tula Ram Marg, Delhi Cantt.-10

Subject: Civil Appeal No.8497 of 2019 arising out of SLP(C) No.13042 of 2014 in the matter of UOI&ORs (Applicant) Vs. Gandiba Behera (Respondent) on the issue of counting of service rendered as Gramin Dak Sevak (GDS) to make good the shortfall in minimum qualifying service of Group-D/MTS employees for grant of pension - compliance of Hon'ble Supreme Court Order dated 08.11.2019- reg.

Madam/Sir,

I am directed to refer to this Department's letter of even number dated 15.11.2019 forwarding therewith a copy of Hon'ble Supreme Court order dated 08.11.2019 on the above subject. Hon'ble Apex Court while deciding the question of law had held as under:

"in respect of the other respondents, who have not been issued any order for pension, the concerned Ministry may consider as to whether the minimum qualifying service rule can be relaxed in their cases in terms of Rule 88 of the 1972 Rules".

2. In compliance of Hon'ble Supreme Court Order dated 08.11.2019 passed in Special Leave to Appeal (C) No.13042/2014, the matter was examined in detail and the matter placed before the Postal Service Board (PSB) of this Department for deciding the issue as per the directions of the Hon'ble Supreme Court.

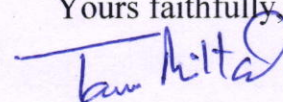
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3. The Postal Services Board after detailed deliberations in its meeting held on 25.09.2020 decided as under:

“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.”

4. The decision of Postal Service Board (PSB) in compliance of Apex Court order dated 08.11.2019 may be brought to the notice of all concerned for strict compliance. This may also be brought to the notice, in consultation with CGSC, of all concerned CAT/Courts in which similar such cases are pending for adjudication thereby ensuring early disposal/settlement of the cases.

Yours faithfully,



(Tarun Mittal)

Asstt. Dir. Gen. (Pension)

Tel.No.2304 4768

Copy to:

1. PS to Hon’ble MOS(IC)
2. PPS to Secretary(Posts)/DG(Posts)
3. PPS to Member(Banking&RB)/Plg./Tech./Pers./Ops./PLI
4. Addl. DG(Postal Services)/ AS&FA/ all DDsG
5. Dir.(Staff)/(Dir.(SPN)/ADG(GDS)/ADG(SR&Legal)
6. All Regional Postmasters General
7. All Postal Training Centres
8. Director, CEPT Mysore-for uploading on the official website of the Deptt. of Posts
9. Guard File

Copy for information to:

1. Shri G.S. Makkar, Deputy Govt. Advocate, Ministry of Law & Justice, Central Agency Section, Supreme Court Compound, New Delhi-01 w.r.t. CAS F.No.U-725/2014
2. Shri S. Chakraborty, Under Secretary, Department of Pension & PW, Lok Nayak Bhawan, Khan Market, New Delhi.