

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

OA No.300/2015

Date of Decision : 11.02.2020

Coram: R. Vijaykumar, Member (A)
Ravinder Kaur, Member (J)

N.L. Kamble,
S/o. Shri Laxman Saiyaji Kamble,
R/o-At + PO-Lamjana, Taluka-Ausa,
Via-Killari, Dist. Latur-413 516
(Office Address: Worked as Sub-Postmaster,
Under SPO, Osmanabad Division) ... **Applicant**

(By Advocate Shri S.P. Singh)

Versus

1. Union of India, through
the Secretary,
Government of India,
Ministry of Communication,
Department of Post, Dak Tar Bhawan,
New Delhi - 110 001.
2. The Chief Postmaster General,
Maharashtra Circle,
Mumbai - 400 001.
3. Director of Postal Services,
Aurangabad Region,
Aurangabad - 431 002.
4. Superintendent of Post Offices,
Osmandabad Division,
Osmandabad - 413 501. ... **Respondents**

(By Advocate Shri R.R. Shetty)

Order (Oral)Per : R. Vijaykumar, Member (A)

This application has been filed on 13.11.2014 under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

"8(a) The Minutes of the Screening Committee for grant of financial upgradation MACP dated 14.11.2013 qua the applicant (Annexure A-1) may kindly be declared illegal, unjust, improper and deserves to be quashed and set aside.

(b) The respondents may kindly be directed to confer the grade pay Rs.4600/- & MACP-III on completion of 30 years of service in Postal Assistant cadre with all consequential benefits.

(c) The respondents may kindly be directed to grant all consequential benefits, arising out due to entry grade.

(d) That the direction in pursuance of Minutes Sheet dated 14.11.2013 (Annexure A-1) if passed against the applicant may kindly be declared as illegal, unjust and deserves to be quashed and set aside and all consequential benefits may be granted in favour of the applicant.

(e) That any other direction or orders may be passed in favour of the applicant, which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.

f. That the costs of this application may be awarded to the applicant."

2. The applicant joined on 01.09.1978 as a Postman and has received a promotion as Postal Assistant on 16.03.1984, TBOP on 20.03.2000 and

MACP II on 01.09.2008 in the course of his career prior to his retirement in 31.07.2014 and argues that the elevation from Postman to Clerk/Postal Assistant should be treated as a direct appointment and not as a promotion thereby entitling him also to an MACP III in 2008 whereas the respondents held that he is not entitled to more than three promotions including upgradations. This matter has been considered earlier by this Tribunal after examining the contending decisions of various Tribunals and various High Courts and the subject matter of this application had already been decided by this Tribunal in a batch of OAs led by OA No. 573/2014 in orders dt. 18.12.2019 and the OAs were dismissed and these orders were followed in a batch of OAs led by OA No. 25/2019 dt. 17.01.2020. These OAs dealt with the proposition of applicants that elevation through LDCE tests was not a promotion or upgradation but a direct appointment. For cases where, after three promotions/upgradations, the person stagnated and hence claimed an MACP upgradation, such a claim

was considered and dismissed by reference to the scheme by this Tribunal in OA No. 372/2015 & Ors. decided on 14.01.2020.

3. Therefore, adopting the aforesaid decisions in those OAs, this application is dismissed as devoid of merits. No costs.

(Ravinder Kaur)
Member (J)

(R. Vijaykumar)
Member (A)

ma.

JD
25/01/2020