

Bench

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE
REVIEW APPLICATION NO.76/2019 IN ORIGINAL APPLICATION
NO.170/00442/2017**

DATED THIS THE 05th DAY OF MARCH, 2020

HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER

HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER

1. Gurunath Akkanna
S/o Kashappa Akkanna
Aged 55 years, Working as
Accountant, Bidar HPO-585 401
Residing at H.No. 19-1-131
Shivanagara South
Bankers Colony, Bidar – 585 401.
2. Mallikarjun Vakare
S/o Kashappa Vakare
Aged 60 years, retired as
Sub-Postmaster
Mangalwarpet, Bidar – 585 401
Residing at H.No. 9-8-28
Vidyanagar Colony,
BVB College Road, Bidar – 585 403

.....Applicants

(By Advocate Shri A.R. Holla)

Vs.

1. Union of India
By Secretary
Department of Posts
Dak Bhavan
New Delhi – 110 001.
2. The Postmaster General
N.K. Region
Dharwad-580 001.
3. The Superintendent of Post Offices
Bidar Division
Bidar – 585 401.

....Respondents

ORDER

(PER HON'BLE SHRI C.V.SANKAR, MEMBER (ADMN))

This review application is filed by the applicants seeking review of the order dated 23.7.2018 passed in OA.No.442/2017 by this Tribunal(Annexure-A1). The issue in this RA is in a very small compass. In our order dtd.23.7.2018 in OA.442.2017 in the last few lines, we had stated as follows:

“At this point of time Shri Sugumaran, learned counsel for the respondents, submits that it may be made clear that the MACP will not be applicable but that is covered by the Ernakulam Bench judgment also. That will not be to the extent as is shown.

The OA is allowed to this limited extent”.

2. As rightly contended by the review applicants, it is clear that CAT, Ernakulam Bench never denied the benefit of MACP to the RTP appointees as sought to be made out. The CAT, Ernakulam Bench in OA.79/2011 vide order dtd.1.10.2013 held that in so far as MACP is concerned, the period of 20 years for 2nd MACP shall be reckoned only from the date of regular appointment after working out the vacancies that arose from 1984 onwards which could not be filled up on account of ban on recruitment. Therefore, the RA is allowed and our order in the said OA is modified as above.
3. However, we wish to point out that review applicants also mentioned about the orders issued in the Telangana Circle vide letter dtd.20.6.2018. The Learned Counsel for the respondents has furnished the letter No.B1/RTP/2018 dated at Hanamkonda the 25.2.2020 from the office of the Supdt. of Post Offices wherein it has been clarified that the officers named in the order dtd.20.6.2018 were paid difference of pays along with allowances for the period they worked as RTP PA vide their office sanction letter dtd.20.9.2018 and therefore the orders relating to the counting of service as RTP has been cancelled vide order dtd.8.10.2018.

Therefore, this point will not be of any assistance to the review applicants. But our order in the OA.No.442/2017 will have to stand modified to provide for grant of MACP as per the orders of the Ernakulam Bench of this Tribunal.

4. The RA is disposed of as above. No costs.

(C.V.SANKAR)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

/ps/

Bench

Annexure-RA1: Order dtd.23.7.2018 in OA.442/2017

Annexure-RA2: Order dtd.20.6.2018

Annexure-RA3: Circular dtd.18.9.2018

Annexures with MA.741/2019:

Annexure-RA4 & RA5: Representations dtd.27.8.2018
