

CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

OA No. 129/2020

Date of decision : 07.02.2020

Coram: R. Vijaykumar, Member (A).
R.N. Singh, Member (J).

Shri Arun Sadashiv Patil,
Postal Assistant(Retired),
Post Office Bagani,
Dist. Sangli- 416 416.
Residing at:
At post Pokharni, Tal. Walwa,
Dist. Sangli- 416 301.

.. Applicant.

(By Advocate Shri G B Kamdi).

Versus

1. Union of India,
Through the Secretary,
Department of Posts,
Ministry of Communications & IT,
Dak Bhavan, Sansad Marg,
New Delhi- 110 001.
2. The Chief Postmaster General,
Maharashtra Circle,
G.P.O. Building, Mumbai- 400 001.
3. The Sr. Superintendent,
Of Post Offices Sangali Division,
Sangali- 416 416.

.. Respondents.

Order (Oral)

Per : R. Vijaykumar, Member (A).

This application has been filed on
15.01.2020 under Section 19 of the Administrative
Tribunals Act, 1985 seeking the following
reliefs:

"a. To allow the Original application.

b. This Hon'ble Tribunal will be pleased to call for record of the case or any other relevant records and after going through its legality and propriety be pleased to direct the Respondents to consider the case of Applicant for 2nd MACP after completion of 20 years service in the cadre of Postal Assistant, along with all consequential benefits.

c. To pass any other just and appropriate orders this Hon'ble Tribunal may deem fit, proper and necessary, the facts and circumstances of the case.

d. The cost of this original application please be provided.

2. The applicant joined in 1990 as a Postman and has received a promotion as Postal Assistant and one MACP upgradation in the course of his career prior to his retirement in 2013 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 to an MACP-II in 2010. 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 at the admission stage. No costs.

(R.N. Singh)
Member (J)

(R. Vijaykumar)
Member (A)

Ram.

Ar. Sec.
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