

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.**

OA No.851/2019

Date of Decision : 11.02.2020

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

Ganpat Mahadeo Dalvi,
R/o-3/B, Jivan Mukta Seva Sadan,
Ashokvan Shiva Vallab Road,
Dahisar-East, Mumbai.
(Office Address-
Worked as SPM East
Bandra PO (Postal Department)).

... **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. Chief Postmaster General,
Maharashtra Circle,
Mumbai - 400 001.
 3. The Senior Superintendent of Post Offices
Mumbai North Division,
Mumbai - 400 057
 4. Director of Accounts (Postal),
Civil Lines,
Nagpur - 440 001.
- ... **Respondents.**

Order (Oral)

Per : R. Vijaykumar, Member (A)

This application has been filed on
14.11.2019 under Section 19 of the Administrative

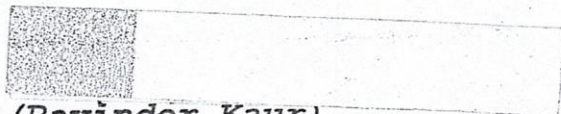
Tribunals Act, 1985 seeking the following reliefs:


- "8(a) That by writ order direction the impugned order dated 11.02.2019 (Annexure A-1) may be declared illegal, unjust and improper and deserves to be quashed and set aside.
- b. That by writ order or direction the respondents may kindly be directed to confer Grade Pay Rs.4600/- on completion of 30 years of service in PA cadre in accordance with MACP Scheme and consequential benefits may be granted.
- c. The respondent may kindly be directed to confer the grade pay Rs.4600/- for MACP-III on completion of 30 years of service in PA Cadre and pension may be fixed and amended PPO may be issued.
- d. That the respondents may kindly be directed to grant all consequential benefits and arrears to be @18% interest per annum.
- 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 16.08.1973 as a Postman and has received a promotion as Postal Assistant on 30.08.1978 and TBOP/BCR upgradations on 15.09.1994 and 01.01.2005 in the course of his career prior to his retirement in 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 to an MACP-III in 2008 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.


(Ravinder Kaur)
Member (J)


(R. Vijaykumar)
Member (A)

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