

CENTRAL ADMINISTRATIVE TRIBUNAL,  
MUMBAI BENCH, MUMBAI.

OA No.134/2020

Date of decision : 11.02.2020

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

Mahesh R. Pomendkar,  
Age:48 years,  
Postal Assistant  
Export Section Foreign Post Office  
Mumbai - 400 001,  
Residing at 5/Grd. Floor,  
Shri Lalbaughcha Raja CHS Ltd.,  
Shri Ganesh Nagar, Dr. Babasaheb  
Ambedkar Marg, Mumbai - 400 012.  
Mobile No.9969623978  
Email ID:Bhoslesharadoffice@gmail.com ... **Applicant**

(By Advocate Shri Sharad Bhosale)

**Versus**

1. Union of India Rep by  
Director General, Department of Posts,  
New Delhi - 110 001.
  
2. Chief Postmaster General,  
Maharashtra and GOA,  
Mumbai - 400 001
  
3. Assistant Director Postal Service  
(Admin & Vig.)  
Foreign Post Office, Ballard Est,  
Mumbai - 400 001. ... **Respondents.**

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

This application has been filed on  
16.01.2020 under Section 19 of the Administrative  
Tribunals Act, 1985 seeking the following  
reliefs:

"In view of the averments made above, the applicant prays that this Hon'ble Tribunal may be pleased to call for the records of the 3<sup>rd</sup> respondent dated 05.07.2018 and made No.2/MACP/2018 and quash the order of the 3<sup>rd</sup> respondent and to direct the respondents 1 to 3 to grant 2<sup>nd</sup> promotion on 13.04.2020 and 3<sup>rd</sup> promotion on 13.04.2031 on the stage of completion of every 10 years with financial benefits from due date to till the retirement of the applicant and pass such deem fit and proper in the circumstances of the case and thus render justice."

2. The applicant joined on 08.03.1994 as a Postman and has received a promotion as Postal Assistant on 13.04.2001 and MACP II upgradation on 18.04.2011 in the course of his career 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 MACP I in 2011/2014, MACP-II in 2021/2024 and MACP III prior to retirement. 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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SD/25/01/2020

