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

OA No. 128/2020

Date of decision : 07.02.2020

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

Shri S.Y. Kadam,
Sorting Assistant,
HRO RMS BM Division,
Miraj - 416 410.
Residing at:
At House No. 588, Plot No. 50 B Gut
Subhashnagar, Miraj- 416 437.

.. *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 Superintendent,
Of RMS BM Division,
Miraj Dist. Sangli- 416 416.

.. *Respondents.*

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

This application has been filed on 13.01.2020 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 quash and set aside the order/reply dated 30.05.2019 and be directed the Respondent to consider the case of the applicant for 3rd MACP after completion of 30 years service in the cadre of Sorting 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 as a Group-D employee and has received three promotions/upgradations in the course of his career and argues that the elevation from Group-D to Clerk/Sorting Assistant should be treated as a direct appointment and not as a promotion. This identical 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 wherein 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 MACP Scheme by this Tribunal in OA No. 372/2015 & Ors. decided on 14.01.2020.

3. Therefore, considering that the aforesaid decisions in those OAs are binding on this Bench, this application is dismissed as devoid of merits at the admission stage. No costs.

(R.N. Singh)
Member (J)

(R. Vijaykumar)
Member (A)

Ram.