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

O.A.210/0045/2020

Date of decision : January 09, 2020.

**Coram: Dr. Bhagwan Sahai, Member (Administrative)
R.N. Singh, Member (Judicial).**

Shri Baburao Kllappa Naik,
Sub Post Master(Retired),
Post Office Brahmanpuri Miraj,
Dist. Sangli- 416 410.

Residing at:

At 3/1052/2, Swami Samarth Nagar,
Takwade Ves Ring Road, Ichalkaranji,
Dist. Kolhapur- 416 115.

.. Applicant.

(By Advocate Shri G.B. Kamdi).

Versus

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

.. Respondents.

Order (Oral)
Per : R.N. Singh, Member (J).

The Applicant who is stated to have retired
as Sub Postmaster from the services of the
Respondents has filed the present O.A. under Section
19 of the Administrative Tribunals Act, 1985 seeking

the following reliefs:-

"8(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 Respondent 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). The Hon'ble Tribunal may please be declared the action of the cancellation of MACP-II Promotion vide order dated 05.03.2012 illegal and arbitrary and be directed to refund the recovered amount of Rs.39040/-.

(d). 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.

(e). The cost of this original application please be provided."

2. The brief facts as contended by the learned counsel appearing for the applicant are that the applicant was appointed as Postman under the respondents in the year 1977 and on passing the competitive examination for promotion, he was promoted to the post of Postal Assistant in the year 1984. However, the applicant has not been accorded the benefits of financial upgradation under the

ACP/MACP Scheme except one financial upgradation under OTBP Scheme.

3. The learned counsel for the applicant submits that the applicant is entitled for grant of financial upgradation on completion of the requisite service period under the ACP/MACP Scheme ignoring his promotion to the post of Postal Assistant on passing competitive examination therefor.

4. The learned counsel for the applicant submits that for redressal of his grievances, the applicant has preferred a representation dt. 29.01.2018 (Annexure A-8), however, the same has not been considered and responded to by the respondents till date.

5. The learned counsel for the applicant submits that the applicant shall be satisfied if the present OA is disposed of with directions to the respondents to consider the aforesaid representation and dispose of the same in a time bound manner.

6. We are of the considered view that if such request of the learned counsel for the applicant is accepted, no prejudice is likely to be caused to the respondents.

7. In view of the aforesaid facts and circumstances, without going into the merit of the claim of the applicant as raised in the present OA,

the OA is disposed of with directions to the respondents to consider and dispose of the aforesaid representation of the applicant as expeditiously as possible and in any case within 12 weeks of receipt of a certified copy of the present order.

8. The OA is disposed of in the aforesaid terms. However, in the facts and circumstances, no costs.

(R.N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A).

Ram.

SD
20/01/20