

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.139/2020 with MA No.145/2020

This the 29th day of June, 2020

**Coram : Hon'ble Shri J.V.Bhairavia, Member (J)
Hon'ble Shri A.K.Dubey, Member (A)**

Shri Naginbhai Vanmalibhai Patel
DOB 18.10.1955, Age 64 years
Son of Shri Vanmalibhai Govindbhai Patel
L.S.G Supervisor (Rtd.)
S.R.O. RMS 'W' Division
Surat- 395 001.
Residing at : Bhatlai, Patel Sheri
P.O. Mora – 394 517
Taluka : Choriyasi,
District – SuratApplicant

(By Advocate : Shri A.D.Vankar)

VERSUS

1. Union of India,
Notice to be served through
The Secretary, Ministry of Communication & IT
Department of Posts, Dak Bhavan, Sansad Marg,
New Delhi 110 001.
2. The Chief Postmaster General
Gujarat Circle, Khanpur,
Ahmedabad 380 001.
3. The Postmaster General
Vadodara Region, Vadodara 390 002.
4. Supdt of RMS
'W' Division, Vadodara-390 002.....Respondents

(By Advocate : Ms. R.R.Patel)

ORDER – ORAL

Per : Hon'ble Shri J.V. Bhairavia, Member (J)

In the instant OA, the applicant was originally recruited as a Mailman with the Postal Department on 30.6.1976. Thereafter, he was declared successful in the Limited Departmental Competitive Examination (LDCE) conducted by the Department under the Reserved Quota for such employees, who were working as Mailman. On being successful in the said LDCE, he was posted as a Sorting Assistant in the year 1980. On attaining age of superannuation, he retired from the service with effect from 31.10.2015. During his service, he was granted TBOP (Time Bound One Promotion) / BCR (Biennial Cadre Review) and other financial benefits and for the grant of the first MACP, beside financial upgradation such as TBOP/BCR, against the second and the third MACP. It is the case of the applicant that recently this Tribunal vide Common order dated 17.09.2019 in OA No. 93/2019 and Others, had disposed of the OA, therein this Tribunal had observed as under :

“.....Respondents are directed to place the claim of applicants for examination afresh before the Review Screening Committee treating the date of entry into the cadre/grade of the post of Postal Assistant as the starting point and to release the financial upgradations of 1st , 2nd and 3rd MACP, as the case may be, to which they are entitled, keeping in mind that promotion of the applicants as Postal Assistant was not a „promotion“, within a period of three months (90 days) from the date of receipt of a certified copy of this order with consequential benefits.....”

By placing reliance upon the aforesaid direction, some of similar placed other employees had filed their representation for equal treatment. However, their representation were not decided by the respondents and therefore, they have approached this Tribunal by filing OA No.332/2019 & Others OAs. The said OAs were disposed of by this Tribunal vide Common Order dated 03.12.2019 (Annexure A-4). Therein, this Tribunal was pleased to grant liberty to the applicant of the said OA to prefer fresh representation and further the respondents were directed to consider and decide the same in light of the order passed in OA No.93/2019 within stipulated time, subject to the order passed in OA No.93/2019 is not challenged before Hon'ble High Court and attend finality in its present form.

2. Counsel for the applicant submitted that since the present applicant is also similar placed employee and therefore, he has submitted his representation before the Postmaster General, Vadodara Region, Vadodara on 17.12.2019 (Annexure A-2) and requested to grant him higher financial upgradation and IIIrd MACP with Grade Pay of Rs.4600/- with effect from 01.09.2008 in terms of the Order passed by this Tribunal (OA No.93/2019 refers). However, the said representation of the applicant is yet to be decided.

3. At this juncture, counsel for the applicant submits that while preferring this OA, delay of approximately 11 years and six months have been caused and for it, the applicant has filed separate MA

bearing No.145/2020 for condonation of delay along with the present OA. It is further submitted that the applicant may be allowed to withdraw this MA as well as OA with a view to pursue his pending representation before the Authority.

4. On the otherhand, the Standing counsel for the Department, Ms. R.R.Patel appeared and submitted that counsel for the applicant has served advanced copy of this OA upon her. On instruction, she submitted that the respondents have challenged the Order dated 17.09.2019 passed by this Tribunal in OA No.93/2019 before Hon'ble High Court and the same is pending for adjudication.

5. Heard the counsel for the parties to the lis for some time. Considering the request on behalf of the counsel for the applicant, we allow the applicant to withdraw this MA No.145/2020 as well as OA. It is open for the applicant to pursue pending representation before the competent authority. We make it clear that we have not expressed any opinion as to the merits of the case.

6. With the above observation, the MA No.145/2020 and OA No.139/2020 are dismissed as withdrawn.

(A.K.Dubey)
Member (A)

(J.V.Bhairavia)
Member (J)

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