

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/01231/2014

HYDERABAD, this the 19th day of October, 2020

**Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**



G.Padmaja W/o C.Ramakrishna Reddy,
Aged about 48 years, Office Assistant,
O/o the Superintendent of Post Offices,
Cuddapah Divsion, CUDDAPAH- 516001.Applicant

(By Advocate: Mr. M.Venkanna)

Vs.

1. Union of India represented by
The Secretary, Government of India,
Ministry of Communication & IT,
Department of Posts-India,
Dak Bhavan, Sansad Marg,
New Delhi-110001.
2. The Chief Postmaster General,
A.P. Circle, oDak Sadanö,Abids,
Hyderabad-500 001.
3. The Postmaster General,
Kurnool Region, KURNOOL 518002.
4. The Superintendent of Post Offices,
Cuddapah Division,
CUDDAPAH 516001. Respondents

(By Advocate: Mr.T.Sanjay Reddy representing
Mr.T.Hanumantha Reddy,Sr. PC for CG)

O R D E R (ORAL)

Hon'ble Mr. B.V. Sudhakar, Admn. Member



2. The O.A. is filed challenging the clarificatory order dated 26/27.6.2014 wherein it was stated that the applicant is eligible for grant of financial upgradation under MACP-I & MACP-II only after accepting the regular promotion and non-grant of MACP-II financial upgradation after completion of 20 years of service as on 28.1.2012 by the respondents.

3. The brief facts of the case are that the applicant was appointed as Postal Assistant in the respondent's organization on 28.1.1992. Thereafter she appeared in the fast track examination and was promoted to the cadre of Lower Selection Grade on 21.5.2004. Her rise in career continued with another promotion to the Higher Selection Grade-II on 18.8.2008. She joined in HSG-II cadre as Deputy Post Master, Rajampet Head Post Office on 4.9.2008. Later, she was given an ad hoc promotion in HSG-I cadre which was declined. Applicant thereafter made a representation on 22.3.2013 requesting for reversion to the Postal Assistant cadre on medical grounds. The same was accepted by the respondents on 8/11.4.2013 with a condition that she will not claim for promotion again to the cadre of Higher Selection Grade-II. On joining as Postal Assistant, Applicant made a representation for granting of MACP on 16.9.2013 as well as to re-fix her pay in the Postal Assistant cadre. Respondents have issued the impugned order dated 26/27.6.2014 stating that the applicant is not eligible for MACP-I & II, for

having accepted regular promotions in the past. Aggrieved the OA has been filed.

4. The contentions of the applicant are that she has completed more than 22 years of regular service in various capacities like LSG, HSG-II and officiating HSG-I and got transferred to the lower post. Therefore, she is deemed to have completed regular service of Postal Assistant for a period of more than 22 years. Hence, as per MACP scheme, she is eligible for financial upgradation sought for. While accepting the request of the applicant to be reverted to a lower post of Postal Assistant, respondents have not stipulated any condition in the said letter that she will not be granted MACP benefits. Moreover, under para 25 of MACP scheme, an employee who declines promotion before he / she is eligible for MACP-I & II is not debarred for seeking MACP benefits.

5. The respondents in the reply statement have confirmed that the applicant was reverted to the lower post of Postal Assistant from Grade Pay of Rs. 4200/- to Rs. 2400/- as per her request. The applicant is not eligible for financial upgradation sought for because she was granted regular promotions and on her own volition, she has declined them. The essence of MACP scheme is that employees who stagnate in any level for more than 10 years, then they would be granted MACP upgradation. The applicant did not stagnate in any level and, therefore, she is not eligible for the benefit sought under MACP Scheme. The pay of the applicant on reversion to the post of Postal Assistant was fixed as per FR 15 (a).

6. Heard Sri M. Venkanna, learned counsel for the applicant and Sri T. Sanjay Reddy representing Sri T. Hanumantha Reddy, learned Senior Panel Counsel appearing for the respondents.

7. As seen from the facts, applicant joined as Postal Assistant and rose in the career to the level of Higher Selection Grade-II on regular basis. Later, she sought reversion to the grade of Postal Assistant on medical grounds. The respondents acceded to her request. After joining the post of Postal Assistant, applicant has approached this Tribunal in the instant O.A, stating that she has to be granted MACP benefits on the basis that she has been reverted to the cadre of Postal Assistant and her services for 22 years in the cadre of Postal Assistant have to be reckoned for grant of MACP benefits under MACP scheme. The MACP scheme is explicit to the extent that only when employees stagnates in a particular post for more than 10 years, then they would be eligible for upgradation. In the instant case, applicant has got promotions to the levels of Lower Selection Grade & Higher Selection Grade-II. The applicant herself has declined these promotions and got reverted as Postal Assistant. Therefore, it is not her case that she got stagnated in any of the levels as claimed by her. If the respondents were not to grant promotion to the applicant and in case she were to stagnate in any level, then she had a case to agitate. The facts stated so far are thus not in favour of the applicant for grant of MACP benefit sought for. Learned counsel for the applicant submitted that the pay of the applicant has not been properly fixed after reversion to the post of Postal Assistant under FR 15(a), by citing the order of the Coordinate Bench of the Tribunal at Ernakulam in O.A. No.461/2011 delivered on 25.11.2011.

After hearing both the counsel, we negate the relief of grant of MACP relief as sought, for reasons expounded above. However, in respect of re-fixation of pay on reversion to the post of Postal Assistant, respondents are directed to examine and fix the pay keeping in view the order of the Hon'ble Ernakulam Bench of this Tribunal in OA No.461/2011 and also the relevant fundamental rules which govern the issue. Time allowed to implement the above direction is three months from the date of receipt of this order.

With the above direction, the O.A. is disposed of with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(ASHISH KALIA)
MEMBER (JUDL.)

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