

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

**ORIGINAL APPLICATION No.210/188/2021
(with MA NO.210/180/2021)**

Dated this Friday, the 05th day of March, 2021

**CORAM: DR. BHAGWAN SAHAI, MEMBER (A)
RAVINDER KAUR, MEMBER (J)**

**Proceeding conducted through video conferencing with
the consent of applicant's counsel.**

Krishnaji Narasinha Kulkarni, Retd. Deputy Manager,
Mail Motor Service, Mumbai.
Add: A-7, Gopal Krishna CHS, Anand Nagar, Din Dayal Road,
Dombivali (West) 421 202. **- Applicant**
(By Advocate Ms. Lata B. Patne)

VERSUS

1. Union of India, Through Secretary, Department of Post,
Dak Bhavan, Sansad Marg, New Delhi 110 001.
2. Chief Post Master General, Maharashtra Circle, Mumbai 400 001.
3. Senior Manager, Mail Motor Service, Worli,
Mumbai. **- Respondents**

ORAL ORDER

Per : Dr. Bhagwan Sahai, Member (A)

Present:

- Advocate Ms. L.B.Patne for the applicant.
2. Heard her on admission of the OA.
 3. In this OA the applicant seeks setting aside of reply of Senior Manager, Mail Motor Service, Department of Post, Worli, Mumbai in response to the applicant's representation dated 09.03.2018 informing him that the MACP Scheme came to be introduced from 01.09.2008 whereas the applicant had already retired on 30.04.2007. Therefore, his request for grant of III MACP cannot be considered.
 4. The applicant's counsel contends that as per the Supreme Court decision in Civil Appeal (DY) No.3744/2016 dated 08.12.2017, MACP Scheme has to be extended from 01.01.2006. Therefore, the reply of the respondents is not correct.

5. The applicant's counsel also wants to rely upon the decision of Bombay High Court in Writ Petition No.1763/2013 (**M.P.Joseph Vs. Union of India and others**) dated 15.10.2018 which directed the respondents to work out benefit of MACP for the applicant from 01.01.2006 with consequential benefits. She also wants to rely on the Delhi High Court judgment in Writ Petition No.3549/2018 dated 01.05.2019 directing the respondents to give the benefit of MACP to the applicant (Shri Sunil Kumar Tyagi) from October, 2007 instead of 01.09.2008.
6. The applicant's counsel further submits that the applicant had submitted representation on 15.11.2018 and reminder dated 15.05.2019 to the respondent No.1. However, the applicant has not yet received the decision of the respondents on his representation.
7. The applicant has also filed MA No.180/2021 for condonation of delay of 665 days pleading that he came to know about the decisions of the Supreme Court and High Court, therefore, it should be condoned.
8. In view of the above submission, the applicant's counsel submits that the applicant would be satisfied if the OA is disposed of by directing the respondents to decide his pending representation for grant of MACP benefits from 01.01.2006 along with consequential benefits.
9. In view of the above submission, we dispose of this OA at admission stage with direction to the respondent No.1 to consider the applicant's representation dated 15.11.2018 and decide it with a reasoned order as per the applicable relevant rules and instructions on the subject for implementation of MACP Scheme and other decisions of the Government of India, if any, issued in pursuance to the Court decisions mentioned above. This exercise should be completed within two months from the date of receipt of a certified copy of this order and within one week thereafter the order be communicated to the applicant.
10. With this, the OA stands disposed of and MA No.180/2021 also stands disposed of. No costs.

(Ravinder Kaur)
Member (Judicial)
kmg*

(Dr. Bhagwan Sahai)
Member (Administrative)

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