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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No.260/00370 of 2015  
Cuttack, this the 8<sup>th</sup> day of July, 2015

**CORAM**

**HON'BLE MR. A.K. PATNAIK, MEMBER (J)**  
**HON'BLE MR. R.C. MISRA, MEMBER (A)**

Sri Hemanta Kumar Dash,  
aged about 54 years,  
Son of Late Sibaram Dash,  
At-Rameswar Sahi Khalari,  
P.O.-Khalari, Via-Hulursingha, Dist-Anugul,  
Now working as SPM Hulursingha S.O.

..... Applicant

(Advocates: M/s. P.R.J. Dash, M.P.J. Ray)

**VERSUS**

Union of India Represented through

1. Secretary-cum-Director General of Posts,  
Dak Bhawan, Sansad Marg,  
New Delhi-110 116
2. Postmaster General,  
Sambalpur Region, Sambalpur  
At/Po/Dist-Sambalpur-768001
3. Director of Postal Services,  
Sambalpur Region,  
O/O Postmaster General  
Sambalpur,  
At/Po/Dist-Sambalpur-768001
4. Superintendent of Post Offices,  
Dhenkanal Division,  
At/Po/Dist-Dhenkanal-759001.

..... Respondents

(Advocate: Mr. B. K. Swain )



**ORDER(Oral)**

**A.K. PATNAIK, MEMBER (J):**

Heard Mr. P.R.J. Dash, Learned Counsel appearing for the Applicant and Mr. B.K. Swain, Ld. ACGSC appearing for the Respondent, on whom a copy of this O.A. has already been served, and perused the materials placed on record.


2. The facts of the case are that the applicant initially joined as Postal Assistant on 11.12.1986 and after completion of 16 years of service he was given 1<sup>st</sup> financial up-gradation under TBOP scheme w.e.f. 26.12.2002. When the matter stood thus, a minor punishment was imposed under Rule-16 of CCS(CC&A) Rules 1965 on the applicant for reduction of pay by one stage for a period of three years without cumulative effect. Being aggrieved <sup>by P</sup> to the above order of punishment applicant preferred an appeal to Respondent No.3 and Respondent No.3 vide his order dated 23.12.05 reduced the punishment to that of one stage for a period of two years instead of three years which was upheld by Respondent No.2. Thereafter Respondent No.4 vide order dated 18.08.2010 intimated the applicant regarding grading of C.R. below the Bench Mark for consideration of MACP for the year 2004-05, 05-06, 06-07 and 2007-08. The applicant submitted his reply vide his representation dated 24.08.2010 to the aforesaid order. In pursuance to the representation of the applicant Respondent No.4 vide order dated 28.02.13 intimated Respondent No.2, 3 and the applicant that the applicant did not get at least three Bench Mark of CR during the year from 2004-05 to 2008-09 for which applicant could not be able to get financial up-gradation under MACP-II w.e.f. 01.09.2008. Ld. Counsel for the applicant submitted that since on date of introduction of MACP scheme the applicant had completed 20 years of service and no proceeding was pending against him as on date and no punishment was in currency, the applicant has right for getting MACP-II w.e.f. 01.09.08. It is the further submission of the Ld. Counsel <sup>P</sup> is that in similar situation one Sri Premarendu Pal of same Dhenkanal Division and Sri Baidhar Padhi of Keonjhar Division have been given MACP-II and TBOP respectively whereas the applicant has been discriminated <sup>against P</sup>. Being aggrieved the applicant made representations to Respondent No.2 on 07.11.2012 (Annexure-A/5) and 06.06.2015 (Annexure-A/6)




to consider his case for grant of MACP-II. But till date no reply has been received by the applicant. Hence, he has approached this Tribunal in the present O.A. with a prayer to quash Annexure-A/4 and direct the respondents to consider the case of the applicant for grant of MACP-II w.e.f. 01.09.2008 with interest @18% per annum from the date of it's due.

3. In view of the aforesaid facts, as the representation dated 06.06.2015 (Annexure-A/6) is still pending with the Respondent No.2, at this stage, we dispose of this O.A. by directing Respondent No.2 to consider and dispose of the said representation dated 06.06.2015 (Annexure-A/6) and communicate the result thereof to the applicant by way of a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. However, we have not expressed any opinion on the merit of the matter and the points raised by the applicant in his representation are kept open for the authorities to consider the same as per rules, regulations and law in force. Further, we make it clear that if after such consideration the applicant is found to be entitled to such benefits then expeditious steps be taken within a period of 90 days from the date of the consideration to grant the same to the applicant. However, if in the meantime, the said representation has already been disposed of, then the result thereof be communicated to the applicant within a period of 15 days from the date of receipt of copy of this order.

4. On the prayer made by Mr. P.R.J. Dash, Ld. Counsel for the applicant, copy of this order, along with paper books, be sent to Respondent No.2 by Speed Post at the cost of the applicant for which he undertakes to file the postal requisites by 13.07.2015. Free copy of this order be given to Mr. B. Swain, Ld. ACGSC appearing for the Respondent.

  
(R.C.MISRA)  
MEMBER(A)

  
(A.K.PATNAIK)  
MEMBER(J)