

ચી.પી.એ. (માન્ય) નિયમાન્તરી અને નિયમ 22 ને પરંપરાત બિ: ઘૂલ્લ માર્ગ

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Original Applications No.359/2013, 428/2013, 429/2013, 77/2014
with
Misc. Applications No.138/2014 & 141/2014

Jodhpur this the 5th November, 2015

CORAM

Hon'ble Mr. Justice Harun-Ul-Rashid, Judl. Member
Hon'ble Ms Meenakshi Hooja, Admv. Member

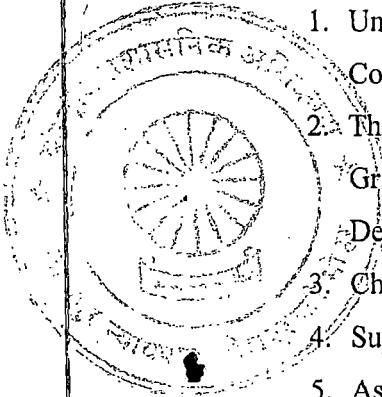
1. OA No.359/2013

Safi Mohd K. Bhati, S/o Late Shri Karim Bax, aged about 59 years, b/c Muslim,
R/o Nadole, District-Pali (Office Address:- Employed as SPM Post Office Rani
Sadar Bazar, Rani in Postal Department).

.....Applicant

Mr. S.P. Singh, counsel for applicant.

Vs.



1. Union of India, through the Secretary, Government of India, Ministry of Communication, Department of Post, Dak Tar Bhawan, New Delhi.
2. The Secretary, Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel & Training, New Delhi-110001.
3. Chief Postmaster General, Rajasthan Circle, Jaipur.
4. Superintendent of Post Offices, Jodhpur Division, Jodhpur.
5. Assistant Superintendent of Post Offices, Pali Division, Pali.

.....Respondents

Mr. Babl Lal Bishnoi, counsel for respondents.

2. OA No.428/2013

Shankar Das Vaishnav S/o Late Shri Mul Das Vaishnav, aged about 58 years, b/c
Brahman, R/o Kumharo ka Bas, Post Desuri, District Pali (Office Address:-
employed under the respondent as Sub Postmaster at post office Nana, Postal
Department).

.....Applicant

Mr. S.P. Singh, counsel for applicant.

Vs.

1. Union of India, through the Secretary, Government of India, Ministry of Communication, Department of Post, Dak Tar Bhawan, New Delhi.
2. The Secretary, Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel & Training, New Delhi-110001.
3. The Chief Postmaster General, Rajasthan Circle, Jaipur-302 007.
4. Superintendent of Post Offices, Pali Division, Pali.

.....Respondents

Mr.K.S. Yadav, counsel for respondents.

3. OA No.429/2013 with MA No.138/2014

Fayaz Ali S/o Late Shri Anwar Ali, aged about 62 years, b/c Muslim, R/o Village & Post Ahore, District Jalore. (Office Address:- Retired on 30.06.2012 as SPM Jalore Industrial Area Post Office).

.....Applicant

Mr. S.P. Singh, counsel for applicant.

Vs.

1. Union of India, through the Secretary, Government of India, Ministry of Communication, Department of Post, Dak Tar Bhawan, New Delhi.
2. The Secretary, Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel & Training, New Delhi-110001.
3. Chief Postmaster General, Rajasthan Circle, Jaipur-302 007.
4. Assistant Post Master General (S&V) for Chief Postmaster General, Rajasthan Circle, Jaipur-302 007.

Superintendent of Post Offices, Sirohi Division, Sirohi.

.....Respondents

Mr.K.S. Yadav, counsel for respondents.

4. OA No.77/2014 with MA No.141/2014

Ram Chandra Purohit S/o Shri Bhanwar Lal Purohit, aged about 61 years, R/o Near Dadoji Kuan, Back to Alok Cinema, Churu, District Churu. (Office Address:- Retired from service as Sorting Assistant in the office RMS Churu under SRM ST Division, Jodhpur).

.....Applicant

Mr. S.P. Singh, counsel for applicant.

Vs.

1. Union of India, through the Secretary, Government of India, Ministry of Communication, Department of Post, Dak Tar Bhawan, New Delhi.
2. The Secretary, Government of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel & Training, New Delhi-110001.
3. The Director Postal Services (HQ), O/o Chief Postmaster General, Rajasthan Circle, Jaipur - 302 007.
4. Superintendent of RMS ST Division, Jodhpur.

.....Respondents

Mr. Nimesh Suthar, counsel for respondents.

ORDER (Oral)

Per Justice Mr. Harun-Ul-Rashid

Heard on Misc. Applications No.138/2014 in OA No.429/2013 and MA No.141/2014 in OA No.77/2014 for condonation of delay. The same are allowed and the delay in filing the OAs are condoned.

2. Similar issues are involved in all these four Original Applications and therefore all the matters are being disposed of by this common order.

3. The prayer sought for in OA No.359/2013 is to set aside the Memo No.B-522/PF dated 24.07.2013, and for a direction, directing the respondents to confer the grade pay of Rs.4600/- for MACP-III in accordance with MACP Scheme and other consequential reliefs. Similar reliefs are claimed in other three connected OAs.

4. When the matter was taken up for final hearing today, counsel on the both sides submit that similar controversy has been decided by this

Tribunal in OA No.137/2012 and 10 other connected matters vide its order dated 13.09.2012. The Tribunal after having gone through the pleadings and other documents, framed the following issues for consideration:-

- (i) *Whether the applicant was promoted to the post of Sorting Assistant or it shall be deemed to be a case of direct recruitment?*
- (ii) *Whether the order of the respondent organization in granting III MACP in pay band of Rs.9300-34800 with grade pay of Rs.4600/- vide the impugned order dated 18.10.2010 was erroneous?*
- (iii) *What relief, if any could be granted to the applicant?*

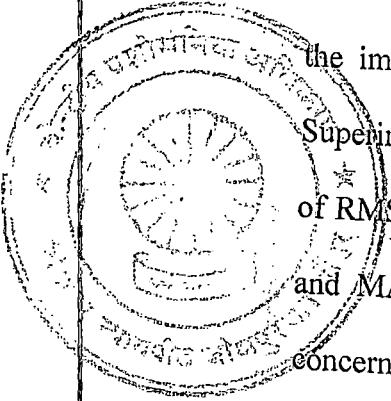
5. The Tribunal finally allowed the Original Application No.137/2012 and 10 other connected matters and the impugned order was quashed and set aside. The Tribunal held that the impugned order of the respondents (Annexure-A/1) is bad under law from both the points stated above that (i) being treating the passage from Mailman to Sorting Assistant as promotion, and (ii) not appreciating MACP as inferred from the own circulars of the Government. It was held that the MACP is a liberal scheme allowing financial upgradation to those who have not been able to earn promotion in the regular promotion and that it, hence, need to be liberally understood.

6. The respondents had challenged the order of this Tribunal dated 13.09.2012 passed in OA No.137/2012 and other connected matters, before the Hon'ble High Court of Judicature for Rajasthan at Jodhpur in DB Civil Writ Petition No.165/2013. The Division Bench of the Hon'ble High Court vide its order 10th August 2015 held that the writ petitions are having no merit and hence dismissed. The Hon'ble High

Court upheld the order passed by the CAT, Jodhpur Bench in the respective original applications.

7. In the light of the orders passed by the CAT, Jodhpur Bench in OA No.137/2012 and other connected matters and the Division Bench of the Hon'ble High Court of Rajasthan at Jodhpur in DB Civil Writ Petition No.165/2013, we are inclined to allow these four Original Applications on the similar lines.

8. Accordingly, the present Original Applications are allowed and the impugned order (Annexure-A/1) is quashed and set aside. The Superintendent of Post Offices, Jodhpur/Pali/Sirohi and Superintendent of RMS ST Division are directed to confer the grade pay of Rs.4600/- and MACP -III, and grade pay of Rs.4200/- and MACP-II, to the concerned applicant whenever it is applicable. No order as to costs.

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|  |  [Meenakshi Hooja] Administrative Member |  [Justice Harun-Ul-Rashid] Judicial Member |
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Dated 09/11/2015


P.B. Shrivastava
Section Officer (Jud.)
Central Administrative Tribunal
Jodhpur

COMPARED &
CHECKED

