

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.1533/2015

New Delhi, this the 2nd day of August, 2016

Hon'ble Mr. P.K. Basu, Member (A)

Hon'ble Dr. Brahm Avtar Agrawal, Member (J)

1. Bhagwan Sahai, Aged -58 Years
S/o Sh. Het Ram
Working as Station Postman
Department of Post, Faridabad,
R/o H. No. P-60, SGM Nagar,
NIT, Faridabad-121001.

2. Devi Dayal, aged 60 Years
S/o Sh. Chotu Ram
Retired Sorting Postman,
Department of Post, Faridabad
R/o H. No. G-1/6, Indra Enclave,
Sector 21D, Faridabad (Haryana)

.. Applicants

(By Advocate: Mr.Yogesh Sharma)

Versus

1. Union of India through the Secretary,
Ministry of Communication
Department of Post,
Dak Bhawan, New Delhi.
2. The Chief Post Master General,
Haryana Circle, Ambala Cantt. Ambala,
3. The Superintendent of Post Office,
NIT, Faridabad(Har). ..Respondents

(By Advocate: Mr.Sunil Ahuja)

ORDER (ORAL)

Hon'ble Mr. P.K. Basu, Member (A)

The applicant No.1 initially joined in the department of posts as extra department agent on 13.04.1976 and subsequently was appointed as Group 'D' employee on 01.07.1981. Thereafter, the applicant was appointed as postman vide order dated 14.02.1983 on direct recruitment basis after qualifying the competitive examination. The applicant No.2 also joined the department of posts as extra department agent on 30.11.1975 and subsequently appointed as Group 'D' employee on 09.04.1981. Thereafter, he was appointed as postman on 20.02.1982 on direct recruitment. Both the applicants were granted first financial upgradation under time bound promotion Scheme i.e. TBOP after completion of 16 years of service. Annexure A-3 dated 25.04.2011 is a clarification issued by Department of Posts on the question whether to consider the appointment to Group 'D' cadre as an entry grade as one promotion and to Postman cadre as one promotion. It is clarified that official who joined postal cadre under direct recruitment quota on regular basis, the service for regular MACP commences from date of joining in Postman cadre on direct recruitment basis. Thus the clock would start for applicant no.1 on 14.02.1983 and for applicant no. 2 on 20.02.1982 as per this clarification. After appointment as

postman, admittedly the applicants have been given only third financial upgradation vide their order dated 26.06.2012 in PB -1 with grade pay of Rs. 2800/- on the ground that appointment from Group 'D' to the post of postman was one upgradation / promotion and the second upgradation was after 16 years of service under TBOP Scheme.

2. The applicants claim that since clarification dated 25.09.2011 makes it clear that regular service should be counted from the date of joining in postal cadre, they have got one upgradation under TBOP Scheme.

3. Heard the learned counsel for the parties and perused the pleadings available on record. In view of the above clarification dated 25.04.2011 (Annexure A-3), the regular service for the purpose of MACPS commences from the date of joining of a post in the direct entry grade on a regular basis as Postman. After joining as Postman, the applicants have been granted only one financial upgradation under time bound promotion Scheme ie. TBOP. Thus, they are entitled to second upgradation under Assured Career Progression Scheme (in vogue till MACPS was introduced w.e.f. 01.09.2008) after 24 years of service i.e. w.e.f. 14.02.2007 (Applicant No.1) and 20.02.2006 (Applicant No.2). Thereafter, the applicants are entitled to 3rd financial upgradation also as per provisions of the MACP Scheme.

4. The OA, therefore, is disposed of with a direction to the respondents to grant the applicants second financial upgradation under ACP after 24 years of service as stated above and to consider the cases of the applicants as per rules and provisions of the MACP guidelines for 3rd upgradation. No costs.

(Dr. Brahm Avtar Agrawal)
Member (J)

/mk/

(P.K. Basu)
Member A)