

**Central Administrative Tribunal
Principal Bench**

OA No.1586/2013

New Delhi, this the 12th day of January, 2016

**Hon'ble Mr. Justice Syed Rafat Alam, Chairman
Hon'ble Mr. P. K. Basu, Member (A)**

Rajvir Singh
834794-K Nb Sub.
S/o Shri Amar Singh
R/o H. No.951/23
Rajendra Apartment Gali No.4,
Mahipalpur, New Delhi-37.

... Applicant.

(By Advocate : Shri U. Srivastava)

Versus

Union of India through

1. The Chief Secretary
Ministry of Communications & IT
Department of Post, Sanchar Bhawan,
New Delhi.
2. The Director General of Posts,
Department of Post,
Dak Tar Bhawan,
New Delhi.
3. The Chief Post Master General
Delhi Circle,
New Delhi.
4. The Senior Superintendent
Department of Posts,
Delhi Stg Division,
Delhi-06.

.... Respondents.

(By Advocate : Shri R. K. Jain)

: O R D E R (ORAL) :

Justice Syed Rafat Alam, Chairman :

This is an Application under Section 19 of the Administrative Tribunals Act, 1985, challenging the validity of the order of Ministry of Communication dated 12.04.2012 and the order of Senior Superintendent, Department of Posts, dated 12.07.2012 refusing to grant

financial upgradation counting the period he worked in the Army Postal Services for giving benefit under the MACP Scheme.

2. At the outset, Shri U. Srivastava, learned counsel for the applicant submits that the controversy as to whether the service rendered in the Army Postal Services is to be counted for granting benefit of MACP, is already concluded by the judgment of CAT, Chandigarh Bench in OA No.597/CH/2010 dated 13.12.2011, affirmed by the Punjab and Haryana High Court in Civil Writ Petition No.2546 of 2012 dated 13.02.2012, SLP against which has also been dismissed, and as such the same has attained finality. Similar view is also taken by the Ernakulam Bench of this Tribunal in OA No.856/2012 dated 10.04.2015.

3. When the matter was earlier heard, time was granted to Shri R. K. Jain, learned counsel for the respondents to inform the court as to whether the controversy is squarely covered by the aforesaid judgments and the applicant is also entitled to get the same benefit or not. He fairly stated that this matter may be disposed of with a direction to the respondents to examine as to whether the applicant is covered by the aforesaid judgment, and if he is similarly placed like those applicants, the respondents would examine and grant similar benefits to the applicant.

4. In view of the statement made on behalf of the respondents through Shri R. K. Jain, learned counsel, we feel that no purpose would be served by keeping the matter further pending. We, therefore, dispose of this OA with the direction to the respondents to examine as to whether the applicant is similarly placed like the aforesaid cases, and if he is found similarly placed, the respondents shall consider to grant the same benefit to the applicant expeditiously, preferably within a period of three months from the date of production of certified copy of this order. In the

event the respondents do not find any merit in the contention of the applicant and his grievance is also not found to be similar as that of OA No.597/CH/2010 (Chandigarh Bench) and OA No.856/2012 (Ernakulam Bench), they shall pass a reasoned order and communicate the same to the applicant within the aforesaid time. The applicant would have liberty to assail the decision taken by the respondents before the appropriate forum in accordance with law, if he is aggrieved by the same.

5. With the above order, this Application stands finally disposed of.

(P. K. Basu)
Member (A)

(Syed Rafat Alam)
Chairman

/pj/