

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 3277/2012

New Delhi, this the 6<sup>th</sup> day of April, 2018

**HON'BLE MR. V. AJAY KUMAR, MEMBER (J)**  
**HON'BLE MS. NITA CHOWDHURY, MEMBER (A)**

Ashok Kumar Rawat  
(Group 'D' employee)  
S/o Late Shri Shyam Behari Lal,  
Office of the Superintendent of Post Offices,  
Mainpuri Division, Mainpuri (U.P.)-205001

Resident of : Staff Quarter No.59/4,  
Head Post Office, Mainpuri (U.P.)-205001. .. Applicant

(By Advocate: Shri V.K. Sharma)

Versus

1. Union of India through  
The Director General of Postal Services,  
Ministry of Communication  
(Deptt. of Posts),  
Dak Bhawan, Parliament Street,  
New Delhi.
2. The Chief Post Master General,  
U.P. Circle, Hazratganj,  
Lucknow(U.P.).
3. The Post Master General,  
Agra Mandal, Agra (UP).
4. The Superintendent of Post Offices,  
Mainpuri Division,  
Mainpuri (U.P.)-205001. .. Respondents

(By Advocate : Ms. Aishwarya Dobhal for Shri Hilal Haider)

**ORDER (ORAL)****By Mr. V. Ajay Kumar, Member (J)**

Heard both the sides.

2. The applicant, who is presently working as Group 'D' employee, filed the O.A. seeking the following relief:

- “(a) That the illegal order dated 09.05.2011 (Annexure A-1) of the Respondent No.4, is not maintainable in law and, therefore, may kindly be ordered to be set aside and quash by this Tribunal.
- (b) This Hon'ble Tribunal may graciously be pleased to direct the respondents to grant applicant 1st financial upgradation under TBOP in the scale of Rs.3050-75-3950-80-4590 as LDC w.e.f. 10.01.1997.
- (c) He is eligible to 2<sup>nd</sup> financial upgradation under ACP after completion of 24 years service w.e.f. 07.01.2005 in the scale of pay of Rs.4000-6000 Junior Accountant under the aforesaid promotional scheme.
- (d) On his completing 30 years service the applicant is eligible for further promotional grade under MACP in the pre-revised scale of pay of Rs.4500-125-7000, revised to Rs.5200-20200 with grade pay of Rs.2800/-, w.e.f. 07.01.2011 (Annexure A-20).
- (e) The respondents may further be directed to grant arrears of pay and allowances on account of granting two financial upgradations in the manner stated above.
- (f) Allow any other and further relief which this Hon'ble Tribunal, may deem fit and proper in the circumstances of this case in order to safeguard the interests of justice.

and

- (g) Allow costs of this application”.

3. It is not in dispute that on the death of the applicant's father, also a Group 'D' employee under the respondents, the applicant was appointed as Group 'D' employee on compassionate grounds and in relaxation of recruitment rules, vide order dated 07.01.1981. The applicant never challenged his appointment as Group 'D' and never

claimed that he ought to have appointed as LDC. Now, after expiry of 12 years, the applicant cannot contend that he is entitled for the benefits as LDC, to which post he was never appointed.

4. In the circumstances, we do not find any merit in the O.A. and, accordingly, the same is dismissed. No order as to costs.

**(NITA CHOWDHURY)**  
**Member (A)**

**(V. AJAY KUMAR)**  
**Member (J)**

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