

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

O.A.No.4369/2017

This the 12th day of December 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Shri Hari Om Sharma
Aged about 64 years (retired)
Ex-Stg. Assistant (Group) 'C'
S/o Late Shri Ram
R/o H No. 175 VPO Bharthal
Dwarka, Sector-26
New Delhi-110077.

..Applicant

(By Advocate: Ms. M Sarada)

Versus

1. Union of India through Secretary
Ministry of Communications
Director of General of Posts
Dak Bhawan, New Delhi – 110 001
2. Assistant Director (Staff and Legal)
Department of Posts
Delhi Circle, Meghdoot Bhawan
New Delhi – 110 001
3. The Superintendent
Department of Post
O/o the Director New Delhi
STG. Division
New Delhi – 110 077.

..Respondents

(By Advocat: Mr. Rajinder Nischal)

O R D E R (ORAL)

Justice Permod Kohli:

The applicant is aggrieved of an order dated 05.12.2017
(Annexure A/1) whereby his representation for grant of 3rd financial

upgradation under Modified Assured Career Progression (MACP) Scheme in the grade pay of Rs.4600/- has been declined. The applicant retired on 31.12.2013 from the post of Sorting Assistant. He relies upon the various judgments annexed with the O.A. The matter has been finally adjudicated by the Hon'ble Supreme Court vide order dated 16.08.2016 passed in SLP (C) No. 4848/2016. Even the Review Petition (C) No.1939/2017 preferred there-against has also been rejected vide separate order dated 13.09.2017.

2. The controversy is thus covered by the various judgments of this Tribunal, including the order 02.05.2012 passed in O.A. No.382/2011 with connected cases by the Jodhpur Bench of this Tribunal. A bunch of Writ Petitions filed before the Hon'ble High Court of Judicature for Rajasthan at Jodhpur has also been decided affirming the decision of the Tribunal. Copy of the judgment passed by the Hon'ble High Court dated 10.08.2015 passed in D.B. Civil Writ Petition No.11709/2013 with connected petitions has been placed on record. This fact is not disputed by the learned counsel for respondents.

3. In view of the above circumstances, the impugned order is absolutely not sustainable in law, the controversy being settled by this Tribunal and finally up to Hon'ble Supreme Court.

4. In this view of the matter, we set aside the impugned order dated 05.12.2017 and remit the case to the respondents with a

direction that the competent authority will re-examine and reconsider the matter afresh, in the light of the judgments referred to above. Let the decision be taken in this regard within two months from the date of receipt of a copy of this order, and the benefit, if any, available to the applicant be released within two months thereafter.

5. With these observations, the O.A. is disposed of.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

December 12, 2017