

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00097/2017

DATED THIS THE 08TH DAY OF JUNE, 2018

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI P.K. PRADHAN, MEMBER(A)

T. Venkatesh,
S/o Late Obalanna,
Aged 46 years, working as
Office Assistant,
O/o Superintendent of Post Offices,
Chitradurga – 577 501,
Residing at 2nd Cross,
JCR Extension (West),
Chitradurga – 577 501.Applicant.

(By Advocate Shri A.R. Holla)

Vs.

1. Union of India by Secretary,
Department of Posts,
Dak Bhavan, New Delhi – 110 001.
2. The Chief Postmaster General,
Karnataka Circle,
Bangalore – 560 001.
3. The Postmaster General,
S.K. Region, Bangalore – 560 001.
4. The Superintendent of Post Offices,
Chitradurga Division,
Chitradurga – 577 501.
5. The Postmaster Grade-III,
Head Post Office,
Chitradurga – 577 501.Respondents.

(By Shri K. Gajendra Vasu, Senior Panel Counsel)

O R D E R (ORAL)HON'BLE DR K.B. SURESH, MEMBER(J)

Heard. On 27.01.1994 the applicant was appointed as Clerk/Postal Assistant. On 01.09.2008 he was granted 1st MACP. On 14.05.2012 he was appointed on ad-hoc basis as Postal Inspector. He had appeared in the competitive examination and was selected. However, he declined the post and his declination was accepted by the department on 21.06.2012. Thereafter on 19.02.2014 his 2nd MACP was granted.

2. But at this point of time the Audit raised an objection that since he had been offered promotion, he cannot be granted the 2nd MACP. It is correct that the applicant has been promoted on ad-hoc basis, but then it was based on a competitive examination and a normal promotion. Hence it is within him to decline that post for whatever reason. It is not within the ambit of the department to question, much less by the Auditor, as this is a specific right of any Government employee to refuse the promotion obtained through a competitive examination. In fact the applicant might not have even appeared for the examination. Hence, there cannot be any adverse consequences arising from it. Therefore, there is no question of raising any audit objection. If any amount had been recovered from the applicant, it will immediately be paid back to the applicant within one month, failing which it will be paid back with interest at the rate of GPF. The 2nd MACP which was rightly granted earlier but was withdrawn will be restored back to the applicant and the whole quantum of arrears will be paid to him without interest within one month and thereafter interest at the rate of GPF.

3. The OA is thus allowed. No order as to costs.

(P.K. PRADHAN)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

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Annexures referred to by the Applicant in OA.97/2017

Annexure A-1: Copy of the order dated 27.1.1994.

Annexure A-2: Copy of the order dated 01.07.2010.

Annexure A-3: Copy of the Notification dated 20.4.2012.

Annexure A-4: Copy of the order dated 14.05.2012.

Annexure A-5: Copy of the order dated 23.05.2012.

Annexure A-6: Copy of applicant's representation dated 28.5.2012.

Annexure A-7: Copy of the order dated 21.06.2012.

Annexure A-8: Copy of the order dated 19.02.2014.

Annexure A-9: Copy of the letter dated 06.07.2016.

Annexure A-10: Copy of the letter dated 30.07.2016.

Annexure A-11: Copy of the letter dated 16.11.2016.

Annexure A-12: Copy of the notice dated 07.12.2016.

Annexure A-13: Copy of the order dated 30.01.2017 with the Audit observation.

Annexures referred to by the Respondents in OA.97/2017

Annexure R-1: Copy of the letter dated 11.05.2012 issued by Asst. Director (Staff) for Postmaster General, Bangalore.

Annexure R-2: Copy of the letter dated 21.05.2012 issued by Asst. Director (Staff) for Postmaster General, Bangalore.

Annexure R-3: Copy of Verification of service.

Annexure R-4: Copy of the letter dated 05.06.2012 issued by Asst. Director (Staff) for Postmaster General, Bangalore.

Annexure R-5: Copy of Office Memorandum dated 18.09.2009.

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