

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE
ORIGINAL APPLICATION No. 170/00377/2017
TODAY, THIS THE 9th DAY OF AUGUST, 2018
HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE SHRI DINESH SHARMA, ADMINISTRATIVE MEMBER

D. Srinivasa Rao,
S/o Late B. Sathyanarayana Rao,
Aged 66 years, retired as
Sub Postmaster, Siddarthanagar SO,
Mysuru, residing at No. 109,
Kundur Mutt Road,
Agrahara, Mysuru – 570 004

... 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 Postmaster General,
S.K. Region,
Bangalore – 560 001.
3. The Senior Superintendent of Post Offices,
Mysore Division,
Mysore – 570 020.

... Respondents.

(By Advocate Shri Gajendra Vasu)

ORDER

Hon'ble Shri Dinesh Sharma, Administrative Member

The facts of this case are almost exactly similar to the case that was adjudicated by the Jodhpur Bench of the Tribunal in O.A No. 353/2011 and was relied on by the Madras Bench of the Tribunal in O.A. No. 1088/2011. The order of the Madras Bench of the Tribunal was later affirmed by the Hon'ble High Court of Madras in Writ Petition No. 30629/2011 and the SLP No. 4848/2016 against the said judgement was rejected by the Apex court vide Annexure A-8 proceedings dated 16.08.2016. Going by the decisions

cited above, the applicant deserves for 3rd financial upgradation under the MACP Scheme, as requested.

2. The respondents have given the same arguments against it which were not accepted by the Jodhpur and Madras Benches of the Tribunal as also by the Hon'ble High Court of Madras. The respondents have also argued that the Apex Court has kept the question of law open. This argument does not help us in deciding against what has been settled by the other Benches of the Tribunal and Hon'ble High Court.

3. In view of the above, we allow this O.A by setting aside the order at Annexure A-11 dated 22.06.2017. The respondents are directed to extend the benefit of 3rd financial upgradation under the MACP Scheme to the applicant with effect from 1.9.2008 with all consequential benefits. As ordered by the Madras Bench of the Tribunal, this order will also be subject to the final outcome of Civil Writ Petition No. 11414 of 2012, if it is still pending before the Hon'ble Supreme Court. No orders as to costs.

(DINESH SHARMA)
ADMINISTRATIVE MEMBER

(DR. K.B. SURESH)
JUDICIAL MEMBER

Cvr.

Annexures referred to by the applicant in O.A. No. 377/2017

Annexure-A1: Copy of the order dated 18.03.1971
Annexure-A2: Copy of the order dated 22.02.1975
Annexure-A3: Copy of the order dated 06.04.1976
Annexure-A4: Copy of the order dated 06.08.1992
Annexure-A5: Copy of the order dated 28.08.2002
Annexure-A6: Copy of the order dated 14.03.2013 in O.A. No. 1088/2011 of Central Administrative Tribunal, Madras Bench
Annexure-A7: Copy of the order dated 04.02.2015 in Writ Petition No. 30629/2014 of Hon'ble High Court of Madras

- Annexure-A8: Copy of the order dated 16.08.2016 in SLP No. 4848/2016
- Annexure-A9: Copy of the order dated 22.03.2017
- Annexure-A10: Copy of the applicant's representation dated 10.06.2017
- Annexure-A11: Copy of the order dated 22.06.2017

Annexures with reply statement

- Annexure-R1: Copy of the Office Memorandum No. 4-7/ (MACPS)/2009-PCC dated 18.09.2009
- Annexure-R2: Copy of the Corrigendum dated 20.05.2010
- Annexure-R3: Copy of the Circular dated 18.10.2010

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