

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/0019/2017

DATED THIS THE 25TH DAY OF OCTOBER, 2017

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

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

A. T. Arakeshwara,  
S/o Late Thammannachar,  
Aged 66 years, retired as  
Sub-Postmaster, Hinkal SO,  
Residing at D.No.736,  
'Sapthagiri Nilaya',  
Old Post Office Road,  
Hinakal, Mysuru-570 030. ...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,  
South Karnataka Region,  
Bengaluru-560 001.
3. The Senior Superintendent of Post Offices,  
Mysuru Division,  
Mysuru-570 020. ...Respondents.

(By Shri S. Prakash Shetty, Senior Panel Counsel)

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

Heard. The applicant who was working earlier as GDS was selected and appointed as Postman on 20.12.1980 and thereafter through

an L.G.O's examination the applicant was selected as a Postal Assistant on 29.07.1989.

The respondents say that it is a promotion. But then it is not a promotion, as it is a selection through a competitive examination. Therefore, this cannot be taken as a point to deprive the applicant of further carrier prospects. Therefore, even though he was given time bound one promotion on 12.8.2005, further benefit under ACP would have been available to him only at the end of 12 years from 29.07.1989. Therefore, we find that on 12.8.2005 he had been given TBOP, which according to him is correct. Therefore the 2<sup>nd</sup> financial benefit under MACP ought to have been given on 29.7.2009. But apparently it is given on 04.01.2011. Therefore, we declare and hold that the applicant is eligible and entitled to have the 2<sup>nd</sup> financial upgradation under MACP on 29.7.2009. Therefore, the respondents will recalculate and fix the benefits on the last pay drawn by the applicant. The respondents will now within 2 months from today re-fix the last pay drawn in accordance with this declaration and grant subsequent consequential benefits to the applicant within the next one month period.

OA allowed to this extent. No costs.

(P.K. PRADHAN)  
MEMBER(A)

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

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**Annexures referred to by the applicant in OA No.170/0019/2017**

Annexure A1 Copy of the order dated 27.03.1989.

Annexure A2 Copy of the Order dated 21.04.2006.

Annexure A3 Copy of the OM dated 19.05.2009.

Annexure A4 Copy of the order dated 10.01.2011.

Annexure A5 Copy of applicant's representation dated 13.06.2013.

Annexure A6 Copy of applicant's representation dated 18.11.2016.

Annexure A7 Copy of the order dated 21.11.2016.

**Annexures referred to in the reply statement**

Annexure R1 Copy of the Office Memorandum No.4-7/(MACPS)/2009-PCC dated 18.9.2009

Annexure R2 Copy of the Corrigendum dated 20.05.2010

Annexure R3 Copy of the letter No.4-7/(MACPS)/2009-PCC dated 18.10.2010

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**Annexures referred to by the applicant in OA No.170/00282/2017**

Annexure A1: True copy of Penalty Advice dated 20.07.2004 and the typed copy of Annexure A2.

Annexure A2: True copy of Appellate orders dated 13.10.2004.

Annexure A3: True copy of Revision order dated 16.5.2016.

Annexure A4: True copy of Re-instatement order dated 03.06.2016.

Annexure A5: True copy of representation seeking correction of designation in the Revising order.

Annexure A6: True copy of Pay Slip issued in the month of Oct. 2002.

Annexure A7: True copy of Medical requisition Form issued from the office of 2<sup>nd</sup> respondent.

Annexure A8: True copy of Decasualisation in Railway service issued by Railway Board.

Annexure A9: True copy of empanelment of the applicant as Trackman.

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