

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
ORIGINAL APPLICATION NO.060/00762/2018

Chandigarh, this the 4th day of July, 2018

...
**CORAM:HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)**

...

1. Lal Singh Chauhan son of Sh. Daulat Ram, age 68 years, resident of House No. 1318, Sector 7, Kurukshetra (136118) Haryana.
2. Shiv Kumar son of sh. Mamu Ram, age 66 years, resident of Kalayat, District Kaithal (136027) Haryana.
3. Chander Bhan son of sh. Jati Ram, age 63 years, resident of village and Post Office Dhanauri, Tehsil Narwana, District Jind (126116), Haryana.
4. Mangat Ram son of Sh. Beera Ram, age 64 years, resident of Ward No. 9, Salimpur, Post Office Guhla, District Kaithal (136027), Haryana.
5. Ramphal Singh son of Sh. Tara Chand, age 63 years, resident of House No. 1612, Ward No. B-6, Jyoti Nagar, District Kurukshetra (136118) Haryana.
6. Rajbir son of Sh. Rati Ram, age 62 years, resident of village Dudhi, P.O. Barot, Tehsil Ladwa, District Kurukshetra (136118) Haryana.
7. Chander Pal son of Sh. Badlu Ram, age 63 years, resident of VPO Popran via Asand, District Karnal (132039) Haryana.

(All applicants belong to Group C)

....Applicants

(Argued by: Mr. Ashutosh Kaushik, Advocate)

Versus

1. Union of India through its Secretary, Department of Post Offices, Sanchar Bhawan, Civil Secretariat, New Delhi (110001).
2. Post Master General, Haryana Circle Ambala, District Ambala (134003) Haryana.
3. Superintendent of Post Office, sector 18, Thanesar, Kurukshetra (136118), Haryana.
4. Superintendent of Post Officer, Kunjpura Road, Karnal (132001), Haryana.

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Respondents

**ORDER (Oral)
SANJEEV KAUSHIK, MEMBER (J)**

1. By way of the present O.A., the applicants has assailed the letters/replies dated 25.09.2017/04.10.2017 (Annexure A-5), dated

26.12.2017/02.01.2018 (Annexure A-6) and dated 31.01.2018 (Annexure A-7), whereby their claim for grant of benefit of MACP from due date, has been rejected. They have also sought issuance of a direction to the respondents to fix their pay/pension accordingly after granting the MACP benefit from the due date, in terms of judicial pronouncements on the issue.

2. Heard.

3. MA No. 060/00944/2018 is allowed and the applicants are permitted to file the joint application.

4. Learned counsel submitted that the applicants are entitled to the benefit of financial upgradation under the MACP Scheme, in terms of order of Central Administrative Tribunal Chennai Bench, in O.A. No. 1088 of 2011 titled **D. Sivakumar Vs. Union of India & Others**, which has been upheld by the Hon'ble High Court and Hon'ble Supreme Court. However, their claim has been rejected by the respondents on the ground that a review petition filed in SLP (C) No. 4848/2016 is still pending before the Hon'ble Supreme Court. Learned counsel argues that the respondents have rejected the claim on the ground, which is not available to them. In this regard, he has drawn our attention to order dated 13.09.2017, vide which R.A. No. 1939 of 2017 in SLP (C) 4848 of 2016 (Annexure A-11) has been dismissed. He also submitted that the learned counsel representing the respondents had made a statement before the Hon'ble Supreme Court on 13.12.2017 that they will give benefits, arising from this judgment, to the similarly situated employees also.

5. After going through the pleadings and in view of the above, the O.A. is disposed of, in limine, with a direction to the

respondents to re-consider and decide the claim of the applicants, for grant of benefit of financial upgradation under the MACP Scheme, in view of the judicial pronouncements noted above and the fact that the Review Petition filed in the aforementioned SLP has already been dismissed. If the applicants are similarly situated to the applicants in the case aforementioned, they may be granted the relevant benefits within a period of six weeks from the date of receipt of certified copy of this order, otherwise a reasoned and speaking order on their claim be issued in accordance with law. A copy of the order so passed be communicated to the applicants also.

6. Though we are inclined to burden the respondents with costs, for rejecting the claim of the applicants on the ground of pendency of RA in SLP, which was not available to them, however, we restrain ourselves from imposing costs, taking a lenient view at the first instance.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 04.07.2018

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