

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

O. A. No. 260/00809 OF 2011
Cuttack, this the 21st day of February, 2018

CORAM
HON'BLE MR. S.K.PATTNAIK, MEMBER(J)
HON'BLE DR. M. SARANGI, MEMBER (A)

.....
Sri Kabir Charan Mallik,
aged about 61 years,
S/o-Late Sri Panu Mallik,
Ex-Sub Post Master,
Borikina S.O, Jagatsingpur H.O,
Presently residing At/PO Naindipur,
Via-Gardpur, Dist-Kendrapara.

...Applicant

(By the Advocate- M/s. D. P. Dhalsamant, N. M. Rout)

-VERSUS-

Union of India Represented through

1. Director General of Posts, Govt. of India, Ministry of Communications, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi, Pin-110001.
2. Chief Post Master General, Odisha Circle, Bhubaneswar, Dist-Khurda, Pin- 751001.
3. Director Postal Services, O/o- Chief Post Master General, Orissa Circle, Bhubaneswar, Dist-Khurda.
4. Superintendent of Post Offices, Cuttack South Division, Cuttack-753001.

...Respondents

(By the Advocate- Mr. A. Pradhan)

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ORDER

S. K. PATTNAIK, MEMBER (J):

In a second round litigation, the applicant has filed this O.A. challenging the speaking order dated 12.07.2011 (Annexure-A/2) issued by the Assistant Director General (GDS/PCC). He has further prayed for a direction to the Respondents to grant him 3rd financial upgradation under the MACP Scheme w.e.f. 01.09.2008 with all consequential benefits.

2. Brief facts of the case of the applicant are that he entered into service as Postman on 11.06.1970 as a Direct Recruit. On being qualified in the L.G.O. Examination, he joined as Postal Assistant on 04.07.1975. While working as such, he was given the benefits of Time Bound One Promotion on 04.07.1991 on completion of 16 years of service and the benefit of Biennial Cadre Review on 01.01.2002 on completion of 26 years of service. While working as BCR Sub-Postmaster, he retired from service on attaining the age of superannuation on 31.03.2009. Respondent No.1 vide its memo dated 18.09.2009 introduced the Modified Assured Career Progression (MACP) Scheme for Central Govt. employees on the basis of recommendation of the 6th Central Pay Commission. The said MACP Scheme came into operation w.e.f. 01.09.2008. According to this Scheme, an employee can be granted three financial upgradation on completion of 10, 20 and 30 years of service, if no regular promotion is granted to him in the meantime. The grievance of the applicant is that

although he had completed 34 years of service on the date of his retirement in the Postal Assistant cadre but he was not granted the 3rd Financial Upgradation under MACP w.e.f. 01.09.2008. Putting forth his grievance, the applicant preferred a representation on 09.11.2010 (Annexure-A/1) before Respondent No.1. By virtue of the order dated 15.04.2011 in O.A. No. 202/2011 filed by the applicant, Respondent No.1 considered the representation of the applicant and rejected the same vide order dated 12.07.2011 (Annexure-A/2). On the above backdrop, the applicant has filed this O.A. with the prayers as aforesaid.

3. Respondents have filed their counter refuting the prayer made in the O.A. The main thrust of the Respondents is that the applicant was initially recruited as Postman on 11.06.1970 and he was promoted to the post of Postal Assistant on being declared successful in the departmental examination under promotion quota on 04.07.1975. Thereafter, he was given two financial upgradations under TBOP and BCR Schemes prevalent at that point of time on 04.07.1991 and 01.01.2002 after completion of 16 and 26 years of service respectively before his retirement from service on superannuation on 31.03.2009. So far as the grievance of the applicant that his juniors were allowed the 3rd financial upgradation under MACP, the Respondents by filing MACP order dated 18.09.2009 (Annexure-R/1) issued by the Department have emphasized that "*financial upgradation under the MACPS shall be purely personal to the employee and shall have no relevance to his seniority position. As such there shall be no additional financial*

upgradation for the senior employees on the ground that the junior employee in the grade has got higher pay/grade pay under the MACPS".

Respondents have further submitted that as per the MACP Scheme, in lieu of the regular promotions, three financial upgradations at the intervals of 10, 20 and 30 years of service is to be given to an employee in case of any stagnation. In the instant case, the applicant entered into Central Govt. service as Postman on 11.06.1970 and, thereafter, got first promotion to Postal Assistant cadre on 04.07.1975 and two financial upgradation under TBOP and BCR Schemes w.e.f. 04.07.1991 and 01.01.2002 respectively. Since the applicant has already got one regular promotion to the cadre of Postal Assistant as per Statutory Recruitment Rule providing for promotion based on departmental competitive examination, not as a Direct Recruit, and thereafter two financial upgradations, there is no scope of giving another financial upgradation under 3rd MACP as claimed by the applicant.

4. On verification, the undisputed facts which emerge from the record may be summarized as follows:

In terms of MACP Scheme, an employee is entitled to three financial upgradation at the interval of 10, 20 and 30 years of service to avoid financial hardship due to stagnation. The applicant entered to the service as Postman on 11.06.1970. He got first promotion to the cadre of Postal Assistant on 04.07.1975. Thereafter, two financial upgradations under erstwhile scheme of TBOP on 04.07.1991 and BCR on 01.01.2002. In the entire service career, he has got one promotion and

two financial upgradations. Thus, he is not entitled the third financial upgradation under MACP Scheme.

5. For availing the benefit of MACP the burden is heavy on the applicant to demonstrate that there has been stagnation during the last 30 years without financial escalation. Going through the impugned order, we did not notice any illegality/irrationality calling for our interference.

6. In view of the above, the O.A. being devoid of merit is dismissed. No costs.

(M. SARANGI)
Member (Admn.)

(S.K.PATTNAIK)
Member (Judl.)

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