

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

ORIGINAL APPLICATION NO.060/00053/2019
Chandigarh, this the 29th day of January, 2019

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

1. Ami Lal son of Bakhtora Ram,
age 61 years,
resident of VPO Bairsal,
District Karnal (132117), Haryana.

2. Bhupinder Kumar son of Bal Krishan,
age 64 years,
resident of H. No. 230,
Brahm Nagar, Kaithal Road,
Karnal, 132001) Haryana.

....Applicants

(Present: Mr. Ashutosh Kaushik, Advocate)

Versus

1. Union of India through its Secretary, Department of Post Offices, Ministry of Communication and Information Technology, Sanchar Bhawan, Civil Secretariat, New Delhi (110001).
2. Post Master General, Haryana Circle, Ambala, District Ambala, Haryana (134003).
3. Superintendent of Post Office, Karnal Division, Karnal Head Office, Karnal, Haryana (132001)

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Respondents

ORDER (Oral)
SANJEEV KAUSHIK, MEMBER (J)

1. The present O.A. has been filed by the applicants seeking issuance of a direction to the respondents to re-fix their pension after granting the 2nd financial upgradation under MACP Scheme from 23.05.2011.
2. Heard.
3. MA NO.060/00127/2019 is allowed and the applicants are allowed to join together to file the single O.A.
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. Learned counsel further submitted that before approaching this Court, the applicants had served a legal notice dated 10.08.2018 (Annexure A-4) on the respondents, which has not been replied till date. He made a statement that the applicants would be satisfied if a direction is issued to the respondents to decide the pending legal notice in accordance with law.
6. Considering the short prayer made on behalf of the applicants, the O.A. is disposed of, in limine, with a direction to the respondents to decide the indicated legal notice (Annexure A-4) in accordance with law, by passing a reasoned and speaking order, within a period of two months from the date of receipt of a copy of this order. If the applicants are found entitled to, the relevant benefit be extended to them. No costs.

(P. GOPINATH)
MEMBER (A)

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(SANJEEV KAUSHIK)
MEMBER (J)
Dated: 29.01.2019