

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/00950/2017
Original Application No. 180/00954/2017
Original Application No. 180/01059/2017
Original Application No. 180/00039/2018
Original Application No. 180/00151/2018

Thursday, this the 4th day of April, 2019

CORAM:

Hon'ble Mr. E.K. Bharat Bhushan, Administrative Member
Hon'ble Mr. Ashish Kalia, Judicial Member

1. Original Application No. 180/00950/2017 -

V.T. Easow, aged 66 years,
 S/o. Late Easow Thomas,
 Retired Postal Assistant (BCR),
 Pathanamthitta HO, Pathanamthitta,
 residing at Vilavinal Joy Bhavan,
 Kodumthara, Pathanamthitta PO,
 Pathanamthitta – 689 645.

..... **Applicant**

(By Advocate : Mr. Shafik M.A.)

V e r s u s

1. Union of India, represented by
 the Director General Posts,
 New Delhi – 110 001.

2. The Chief Postmaster General, Kerala Circle,
 Trivandrum – 695 033.

3. The Senior Superintendent of Post Offices,
 Pathanamthitta Division,
 Pathanamthitta – 689 645.

..... **Respondents**

(By Advocate : Mr. Brijesh A.S., ACGSC)

2. Original Application No. 180/00954/2017 -

1. N.D. Baby, aged 51 years, S/o. Devassy,
 Sub Postmaster, Alagappa
 Nagar, Trichur Division,
 residing at Njarekadan House, Chattikulam,

Trichur – 680 721.

2. C.J. Kuriakose, aged 55 years,
S/o. C.U. Joseph, Sub Postmaster,
Nellayi, Trichur Division – 680 3095,
residing at Chudakattil House,
Pudukad PO, Trichur – 680 301.
3. K.T. Dominy, aged 57 years,
S/o. Thomankutty, Postal Assistant,
Chalakudi HO, Trichur Division,
residing at Kalaparambath House,
Poovathusserry PO, Annamanada,
Trichur – 680 741.

..... **Applicants**

(By Advocate : Mr. Shafik M.A.)

V e r s u s

1. Union of India, represented by
the Director General Posts,
New Delhi – 110 001.
2. The Chief Postmaster General, Kerala Circle,
Trivandrum – 695 033.
3. The Superintendent of Post Offices,
Irinjalakuda Division,
Irinjalakuda – 680 121.

..... **Respondents**

(By Advocate : Mr. N. Anilkumar, SCGSC)

3. **Original Application No. 180/01059/2017-**

1. E. Balakrishnan, aged 64 years,
S/o. Govindan Nair, Retired
Postal Assistant, Ammadam,
Trichur Division, residing at
Erattenparampil House,
Kodannur, Ammadam, Trichur 680 563.
2. A.M. Chadasu, aged 67 years,
S/o., Manickkan, Retired Sub
Postmaster, Peechi, Trichur Division,
residing at Arackal House,
Kurichikkara, Trichur 680 028.
3. V.K. Balakrishnan, aged 64 years,
S/o. Krishnankutty, Retired

Sub Postmaster, Ramavarmapuram,
Trichur Division, residing at
Vadakoot House, Punkunnam PO,
Trichur 680 002.

4. V.K. Chandrasekharan, aged 68 years,
S/o. Krishnan, retired Sub Postmaster,
Kanimangalam, Trichur Division,
residing at Vakayil House, Kanimangalam PO,
Trichur 680 027.
5. C.P. Mohanan, aged 67 years,
S/o. Ponnann, retired Sub Postmaster,
Katttakampal, Trichur Division,
residing at Chattukulangara House,
Chittanjoor Post, Kizhur (via),
Kunnamkulam, Trichbur 680 523.
6. P. Raphael, aged 62 years,
S/o. Paulose, Retired Sub Postmaster,
Enikkadu, Trichur Division,
residing at Kundukulangara House,
MCPO, Mulamkunnathukavu,
Thrissur 680 596.
7. P.J. Thomas, aged 64 years,
S/o. P.T. Joseph, Retired Postal
Assistant, Poothole, Thrissur – 680 004,
residing at Pallipurathukaran House,
15/1421/(1) VAC, Kuttichira Road,
Santhi Nagar, Ollukara, Trichur 680 655.

..... **Applicants**

(By Advocate : Mr. Shafik M.A.)

V e r s u s

1. Union of India, represented
by the Director General Posts,
New Delhi – 110 001.
2. The Chief Postmaster General,
Kerala Circle,
Trivandrum – 695 033.
3. The Senior Superintendent of Post Offices,
Trichur Division,
Trichur – 680 001.

..... **Respondents**

(By Advocate : Mr. Brijesh A.S., ACGSC)

4. **Original Application No. 180/00039/2018 -**

M. Achuthanandan, aged 60 years,
S/o. Narayanan Nair,
Retired Sub Postmaster (Postal Assistant),
Ramavarmapuram,
Trichur Division, residing at
Changarath House, Near Kuttur Village
Office, Kuttur, Trichur – 680 013.

..... **Applicant**

(By Advocate : Mr. Shafik M.A.)

V e r s u s

1. Union of India, represented
by the Director General Posts,
New Delhi – 110 001.
2. The Chief Postmaster General,
Kerala Circle,
Trivandrum – 695 033.
3. The Senior Superintendent of
Post Offices, Trichur Division,
Trichur – 680 001.

..... **Respondents**

(By Advocate : Mr. K. Kesavankutty, ACGSC)

5. **Original Application No. 180/00151/2018 -**

Babu T.P., aged 55 years,
S/o. Pankajan, Postman,
Edappally – 682 024, residing at
Thattarassery House, Eloor North,
Udogamandal – 682 305.

..... **Applicant**

(By Advocate : Mr. C.P. Johny)

V e r s u s

1. Union of India,
represented by Director General,
Department of Posts,
New Delhi – 110 01.
2. Chief Postmaster General, Kerala Circle,
Thiruvananthapuram – 695 033.

3. Post Master General, Central Region,
Kochi – 682 020.
4. Senior Superintendent of Post Office,
Ernakulam Division,
Ernakulam – 682 011.
5. Senior Postmaster,
Ernakulam Head Post Office,
Ernakulam – 682 011.

..... **Respondents**

(By Advocate : Mr. N. Anilkumar, SCGSC)

These applications having been heard on 28.03.2019, the Tribunal on 04.04.2019 delivered the following:

ORDER

Hon'ble Mr. Ashish Kalia, Judicial Member –

OAs Nos. 180-950-2017, 180-954-2017, 180-1059-2017, 180-39-2018 and 180-151-2018 have common points of fact and law involved and hence are being disposed of through this common order. The pleadings, documents and records in OA No. 180-950-2017 are referred to in this common order for the sake of convenience.

2. The relief claimed by the applicant in OA No. 180-950-2017 are as under:

“(i) To call for the records relating to Annexure A-1 to A-10 and to quash A-1 being illegal and arbitrary;

(ii) To declare that the applicant is entitled for three financial upgradations as per MACP scheme with effect from the date of appointment as Postal Assistant i.e. with effect from 11.9.1978;

(iii) To declare that the applicant is entitled for the 3rd upgradation as per MACP scheme on completion of his 30 years in the case of SA and to direct the respondents to grant 3rd MACP upgradation to the applicant with effect from the date he completed 30 years of service i.e. with effect from 11.9.2008 or with effect from the date of the OM i.e. 1.9.2008, re-fix his pay and pay all arrears of salary with 18% interest;

(iv) To issue appropriate direction or order to revise the pension payment order accordingly and direct the respondent to disburse the arrears of the difference of salary and pension with 18% penal interest.

(v) To issue such other appropriate orders or directions this Hon'ble Tribunal may deem fit, just and proper in the circumstances of the case;

And

(vi) To grant the costs of this Original Application.”

3. The brief facts of the case are that the applicant joined the service of the respondents as Extra Departmental Agent. Later he joined as a Postman on 8.11.1972 after passing the Postman Examination (Competitive Examination) for ED agents for recruitment to the cadre of Postmen conducted on 30.7.1972. Further he cleared the competitive examination for promotion as Postal Assistant in the year 1978 and was selected for appointment as Postal Assistant. He was appointed as Postal Assistant on 11.9.1978 and was posted at Pathanamthitta. Applicant retired from the same post on 31.5.20910. During his service career he was given TBOP upgradation after 16 years with effect from 15.9.1994. On completion of 26 years of service he was granted the next upgradation under BCR scheme in the scale of pay of Rs. 5000-8000/- with effect from 1.1.2005 though he has completed 26 years in September, 2004. Consequent on the recommendations of the 6th CPC the Government of India had brought out MACP scheme. As per the same three financial upgradations are granted on attaining 10, 20 and 30 years of service. The Department of Posts also adopted the said scheme and has withdrawn the TBOP and BCR schemes. Though applicant is entitled for the 3rd MACP upgradation, the respondents

have not granted the same reckoning the appointment as Sorting Assistant from Group-D as one promotion. The Jodhpur Bench of this Tribunal in a similar matter held that the said promotion is to be ignored as the same is obtained on fast track mode and not in the normal mode. However, the respondents did not grant him the said benefit of the order passed by the Jodhpur Bench of this Tribunal in OA No. 382 of 2011 and connected cases. Further the Madras Bench of this Tribunal in a similar matter in OA No. 1088/2011 allowed the OA in favour of the applicant therein on 14.3.2013. The appeal filed by the respondents against the said order was dismissed by the Hon'ble High Court in WP No. 30629/2014 on 4.2.2015. The matter was taken up before the Hon'ble Supreme Court in SLP © No. 4848/2016 which was also dismissed vide judgment dated 16.8.2016. The applicant being similarly situated submitted a representation in this regard pointing out all these aspects but the respondents have rejected the same as per the impugned order. Aggrieved the applicant has filed the present Original Application claiming the above relief.

4. Notices were issued to the respondents. Mr. Brijesh A.S., ACGSC took notice on behalf of the respondents and filed a detailed reply statement contending that the OA is hopelessly barred by limitation under Section 19 of the Administrative Tribunals Act, 1985 and is liable to be dismissed on this ground alone. Further the applicant who had appeared in the LDCE to the cadre of Postal Assistant under the promotion quota meant for lower grade officials and who had enjoyed the promotion from 1978 till date cannot approbate and reprobate it at the same time. The applicant entered

the department as Postman with effect from 8.11.1972. He appeared in the LDCE to the cadre of Postal/Sorting Assistant held under promotion quota. He was promoted as Postal Assistant w.e.f. 11.9.1978 which is his 1st promotion. Applicant was given TBOP on completion of 16 years service in the cadre of PA w.e.f. 15.9.1994 on completion of 16 years of service in Postal Assistant which is his 2nd placement and later he was granted another financial upgradation under BCR scheme with effect from 1.1.2005. Respondents contend that the applicant has already been granted three financial upgradations in his career. Therefore, there is no scope for any further financial upgradation as per Annexure A4 MACP scheme. Accordingly, the representation of the applicant was rejected vide Annexure A1. With regard to the decision of the Madras Bench of this Tribunal in OA No. 1088/2011 it is submitted that the said matter has attained finality with the dismissal of the SLP filed against the judgment of the Hon'ble High Court of Madras. However, the Hon'ble apex court while dismissing the SLP held that the question of law is kept open. Therefore, Annexure A6 order is not automatically extendable to similarly placed officials and each case has to be decided on its own merits as the Hon'ble Supreme Court has kept the question of law still open. The respondents contend that the present matter is covered by the order passed by this Tribunal in OAs Nos. 127/2012, 142/2012 and 702/2012 dated 7.8.2013 wherein this Tribunal dismissed the OAs holding that ACP/MACP scheme takes into account the promotions earned by the official for the purpose of working out the eligibility for financial upgradation under the scheme. Respondents pray for dismissing the OA.

5. Applicant has filed a rejoinder submitting that the Principal Bench of this Tribunal had reconsidered the whole issue and has allowed OA No. 3756/2011 on 3.11.2015.

6. Heard Mr. Shafik M.A., learned counsel for the applicants in OAs Nos. 180-950-2017, 180-954-2017, 180-1059-2017 and 180-39-2018, Mr. C.P. Johny, learned counsel for the applicant in OA No. 180-151-2018, Mr. Brijesh A.S., ACGSC appearing for the respondents in OAs Nos. 180-950-2017 and 180-1059-2017, Mr. N. Anilkumar, SCGSC appearing for the respondents in OAs Nos. 180-954-2017 and 180-151-2018 and Mr. K. Kesavankutty, ACGSC appearing for the respondents in OA No. 180-39-2018. Perused the record.

7. The issues raised in this OA are two fold: Firstly whether appointment of the applicants as Postal Assistant/Postman is to be taken as fresh appointment or promotion. Secondly whether applicants are entitled for MACP after taking into account their appointment as Postal Assistant/Postman by clearing the departmental exam.

8. Learned counsel for the applicants have relied upon the order passed by the Jodhpur Bench of the Tribunal in OA No. 382/2011 and connected cases dated 22.5.2012. He had also relied upon the order passed by the Principal Bench of the Tribunal in OA No. 3756/2011 dated 3.11.2015. The relevant part of the order passed by the ***Jodhpur Bench of the Tribunal in***

OA No. 382/2011 and connected cases is extracted below:

“19.when the Postman appears at the LDCE, and gets selected to a new Cadre as a Postal Assistant, then it is start of a new innings for him, and for the purpose of counting his stagnation, if any, the date of his joining as Postal Assistant alone would be relevant, and his previous career advancements cannot be called to be promotions within the definition of the work 'promotion', as is required for the grant of TBOP/BCR benefit consideration, and for consideration for eligibility for financial upgradation on account of stagnation under the MACP scheme.”

In a similar matter the Hon'ble High Court of Delhi on 5.8.2014 in ***Union of India v. Shakeel Ahmad Burney*** has held as under:

“8. There is no magic in the use of the expression “Promotion” or “Direct Recruitment”; whether, in fact, the mode of entry to the service is through direct recruitment or promotion would certainly be dependent on facts of each case and the structure of the Rules. If one analyzes Rule 3, it would be apparent that recruitment is through “a competitive examination which will be open” to both departmental candidates and outside candidates. During the course of submissions, the Union of India has emphasized that syllabus for departmental candidates was prescribed in 1964; even this fact nowhere indicates that a differential treatment is accorded to direct recruits who are drawn from the open market. The absence of any clearly stipulated and defined feeder post for promotion by way of seniority, or any other known method like seniority-cum-merit, selection etc., the mode prescribed in Rule 3 (a) (i.e., departmental candidates also having to qualify in the competitive examination, along with outsiders) in this Court’s opinion clinches the matter. To that effect, the CAT’s decision that the entry of departmental candidates to the cadre of Postal Assistant is by way of direct recruitment is unexceptionable. We consequently affirm the findings of the CAT in the impugned order.”

9. On the contrary respondents counsel submitted that the applicants' appointment to the post of Postal Assistant is by LDCE i.e. 50% quota meant for departmental candidates which is actually a promotional post. Therefore, it should be treated as a promotion. Thereafter in the case of applicant in OA No. 180-950-2017 he has been granted 2nd financial upgradation on 1.7.1998 on completion of 16 years of service under TBOP scheme applicable from the date of the last promotion as Postal Assistant and further financial upgradation under BCR w.e.f. 1.1.2005.

10. Learned counsel for the respondents had relied on the judgments of the High Court of Karnataka in WP No. 57935/2017 – *The Union of India & Ors. v. M.G. Shivalingappa* dated 2.8.2018 and the judgment of the Hon'ble High Court of Judicature of Rajasthan in Civil Writ Petition No. 18488/2016 and connected cases dated 10.5.2018. In *M.G. Shivalingappa's* case (supra) the Hon'ble High Court of Karnataka held as under:

“5. In that regard, at the outset what is necessary to be taken note is the actual purport of the designation of the respondent as Postal Assistant/Sorting Assistant so as to arrive at a conclusion whether the same could be considered as a promotion that has intervened and elevated the position to a different grade so that the continuity in the same post cannot be contended and the financial upgradation through MACP be claimed. To that extent, the Rules for recruitment as at Annexure R4 would disclose that in respect of the Clerks and Sorters, the promotional avenue is 50% by direct recruitment and the remaining is by promotion through a test. If in that background the respondent who is promoted as Sorting Assistant through the order dated 21.5.1982 (Annexure A2) is taken note, it is seen that the persons as named therein are the departmental promotees who are promoted to assume the post as Sorting Assistant and the name of the respondent is found at Sl. No. 6. If that be the position, the change from the Group-D post to which the petitioner was appointed on 28.11.1979 and to the Sorting Assistant on 24.5.1982 will have to be considered as promotion. If that be the position, the stagnation for which the financial upgradation is provided under the MACP Scheme cannot be applied when a promotion has been granted to the employee concerned. Thereafter when the respondent was in the promoted post as per the scheme that was in vogue at that point in time, the TBOP has been granted on 28.5.1998 when he had qualified for the same after putting in 16 years in the said position. Subsequently, on 1.7.2008 the next BCR financial upgradation has been granted.

6. On these aspects when there is no serious dispute and the respondent has been granted one promotion and two financial upgradations, the case of the respondent being considered once over again for grant of MACP in the manner as directed by the CAT would not arise in the instant case. In that view the order directing the petitioners to treat the case of the respondent as appointment with effect from the date on which he was promoted and thereafter grant the benefit of MACP scheme would not be justified. Accordingly, the order dated 21.8.2017 impugned at Annexure-A to this petition is set aside.”

11. However, we are of the view that through 50% departmental quota the applicants in OAs Nos. 180-950-17, 180-954-17, 180-1059-17 and 180-39-

18 were selected and appointed as Postal Assistant after competing in the LDCE/test. Several categories including Group 'D' employees are also allowed to participate in the said LDCE/test and therefore, the rules of promotion is not in picture and the only yardstick is to qualify the exam in the order of merit for which standards are same as per the direct recruitment by a common process of selection.

12. The rules of promotion is quite different as the basic criteria is seniority-cum-fitness in order to get the promotion and only the employees from the feeder category is eligible who comes under the consideration zone so fixed by the DPC. However, this is absent in the case of appointment to the Postal Assistant/Sorting Assistant from the Limited Departmental Competitive Examination quota as it is only by way of merit alone. Further we are not in agreement with the respondents' contention that since applicant is coming through 50% LDCE quota so the appointment to the post should be treated as promotion post for the simple reason that the selection is made not from feeder category alone but on the basis of seniority and several other categories of employees are also eligible to appear in the said examination who are not at all in the feeder categories and further selection would be on the basis of percentage of marks alone. Similar view is taken by the Hon'ble High Courts at Rajasthan and Delhi and the Tribunals at Principal Bench and Jodhpur Bench (supra). The contention of respondents would have been correct in the case of appointment to the post under 50% by way of promotion which is the other category and they can be said to be promotee Postal Assistant because they

are coming on the basis of seniority alone. Similar is the position of the applicant in OA No. 180-151-2018 where the applicant took part in the LDCE for selection to the cadre of Postman and succeeded.

13. In view of the above legal position and the facts and circumstances of the case, we find that the selection to the post of Postal Assistant/Postman is by way of an exam and which is a direct recruitment and shall not be counted as promotion for the purpose of MACP. Therefore, all the applicants are entitled for the financial upgradation as per the MACP scheme on completion of the respective period of service. The impugned orders in all the OAs to extent it denies the benefit of financial upgradation under MACP scheme to the applicants treating the appointment to the post of Postal Assistant/Postman as one promotion are quashed and set aside. However, the monetary benefits of arrears will be restricted to three years prior to the date of filing of this OA as laid down by the apex court in *Union of India & Ors. v. Tarsem Singh* – (2008) 8 SCC 648. The respondents shall implement the order within three months from the date of receipt of a copy of this order.

14. The Original Applications are disposed of as above. Parties are directed to bear their own costs.

(ASHISH KALIA)
JUDICIAL MEMBER

(E.K. BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

“SA”

Original Application No. 180/00950/2017

APPLICANT'S ANNEXURES

- Annexure A1** – True copy of the letter No. B/MACP/Rlgs, dated 15.11.2017 issued by the 3rd respondent.
- Annexure A2** – True copy of the memo No. BB/TBOP dated 12.9.1994 issued by the 3rd respondent.
- Annexure A3** – True copy of the order No. ST/8-3/1/2005 dated 27.5.2005 issued by the APMG (Staff) of the 2nd respondent.
- Annexure A4** – True copy of the OM File No. 4-7(MACPS)/2009-PCC dated 18.9.2009 issued by the DDG (Establishment) of the 1st respondent.
- Annexure A5** – True copy of the order dated 16.3.2016 in OA No. 180/0008/2014.
- Annexure A6** – True copy of the order dated 14.3.2013 in OA No. 1088/2011 of the Madras Bench.
- Annexure A7** – True copy of the judgment dated 4.2.2015 of the Hon'ble High Court of Madras in WP No. 30629/2014.
- Annexure A8** – True copy of the judgment dated 16.8.2016 of the Hon'ble Supreme Court in SLP © No. 4848/2016.
- Annexure A9** – True copy of the memo No. B2/MACP III/Dlgs.2016 dated 22.3.2017 of by the Sr. Supt. Of Post Offices, Chennai.
- Annexure A10** – True copy of the representation dated 7.7.2017 submitted before the 3rd respondent.
- Annexure A11** – True copy of the order dated 3.11.2015 of the Principal Bench of this Hon'ble Tribunal in OA No. 3756/2011.

RESPONDENTS' ANNEXURES

- Annexure R1** – True copy of Directorate Letter No. 4-7/(MACPS)/2009-PCC dated 18.10.2010.
- Annexure R2** – True copy of Department of Posts (Postal Assistants and Sorting Assistants) Recruitment Rules, 1971.

- Annexure R3** – True copy of order dated 7.8.2013 of this Hon'ble Tribunal in OA 127/2012 and connected cases.
- Annexure R4** – True copy of order dated 20.8.14 of this Hon'ble Tribunal in OA No. 725/2012.
- Annexure R5** – True copy of order dated 16.5.17 of this Hon'ble Tribunal in OA No. 448/2014.
- Annexure R6** – True copy of case status of WP(C) 2806/2016 of the Hon'ble High Court of Delhi, downloaded from the website of Hon'ble High Court of Delhi.
- Annexure R7** – True copy of downloaded case status in WP(C) No. 2806/2016, WPC No. 7756/2016, WPC No. 2505/2018 and WP(C) No. 7504/2013 of the Hon'ble High Court of Delhi.
- Annexure R8** – True copy of the order dated 2.8.2018 in WP(C) No. 57935/2017(S-CAT) in OA 17/20 of Hon'ble High Court of Karnataka.
- Annexure R9** – True copy of the common order dated 10.5.2018 of the Hon'ble High Court of Rajasthan at Jaipur Bench.

Original Application No. 180/00954/2017

APPLICANTS' ANNEXURES

- Annexure A1** – True copy of the OM file No. 4-7/(MACPS)/2009-PCC dated 18.9.2009 issued by the DDG (Establishment) of the 1st respondent.
- Annexure A2** – True copy of the memo No. B1/MACP/Dlg dated 10.8.2010 issued by the 3rd respondent.
- Annexure A3** – True copy of the order dated 16.3.2016 in OA No. 180/0008/2014.
- Annexure A4** – True copy of the order dated 14.3.2013 in OA No. 1088/2011 of the Madras Bench.
- Annexure A5** – True copy of the judgment dated 4.2.2015 of the Hon'ble High Court of Madras in WP No. 30629/2014.
- Annexure A6** – True copy of the judgment dated 16.8.2016 of the Hon'ble Supreme Court in SLP © No. 4848/2016.

- Annexure A7** – True copy of the memo No. B2/MACP III/Dlgs.2016 dated 22.3.2017 of by the Sr. Supt. Of Post Offices, Chennai.
- Annexure A8** – True copy of the representations dated 4.8.2017, 14.8.2017 & 10.8.2017 submitted by the applicants.
- Annexure A9** – True copy of the order dated 3.11.2015 of the Principal Bench of this Hon'ble Tribunal.

RESPONDENTS' ANNEXURES

- Annexure R1** – True copy of the MACP scheme introduced vide OM No. 4-7/(MACPS)/2009-PCC dated 18.9.2009.
- Annexure R2** – True copy OM No. 4-7/(MACPS)/2009-PCC dated 18.10.2010.
- Annexure R3** – True copy of Department of Posts (Postal Assistants and Sorting Assistants) Recruitment Rules, 1990.
- Annexure R4** – True copy of judgment dated 20.8.2014 in OA No. 725/2012.
- Annexure R5** – True copy of common order dated 7.8.2013 in OA No. 127/2012 & connected cases.
- Annexure R6** – True copy of order dated 16.5.2017 in OA No. 448/2014.
- Annexure R7** – True copy of common order dated 10.5.2018 in CWP No. 18488/2016 and other similar cases.
- Annexure R8** – True copy of judgment of the Hon'ble High Court of Karnataka dated 2.8.2018 in WP(C) No. 57935/2017 (S-CAT).

Original Application No. 180/01059/2017

APPLICANTS' ANNEXURES

- Annexure A1** – True copy of the letter No. B1/MACP/2016-17 dated 28.6.2017 issued by the 3rd respondent.
- Annexure A2** – True copy of the OM file No. 4-7/(MACPS)/2009-PCC dated 18.9.2009 issued by the DDG (Establishment) of the 1st respondent.
- Annexure A3** – True copy of the order dated 16.3.2016 in OA No. 180/0008/2014.

- Annexure A4** – True copy of the order dated 14.3.2013 in OA No. 1088/2011 of the Madras Bench.
- Annexure A5** – True copy of the judgment dated 4.2.2015 of the Hon'ble High Court of Madras in WP No. 30629/2014.
- Annexure A6** – True copy of the judgment dated 16.8.2016 of the Hon'ble Supreme Court in SLP © No. 4848/2016.
- Annexure A7** – True copy of the memo No. B2/MACP III/Dlgs.2016 dated 22.3.2017 of by the Sr. Supt. of Post Offices, Chennai.
- Annexure A8** – True copy of the representation dated 19.5.2017 submitted by the 1st applicant.
- Annexure A9** – True copy of the order dated 3.11.2015 of the Principal Bench of this Hon'ble Tribunal in OA No. 3756/2011.

RESPONDENTS' ANNEXURES

- Annexure R1** – True copy of OM No. 4-7/(MACPS)/2009-PCC dated 18.9.2009.
- Annexure R2** – True copy of OM No. 4-7/(MACPS)/2009-PCC dated 18.10.2010.
- Annexure R3** – True copy of Indian Post and Telegraph (Time scale clerks and sorters) Recruitment Rules, 1971.
- Annexure R4** – True copy of the Department of Posts (Postal Assistants and Sorting Assistants) Recruitment Rules, 1990.
- Annexure R5** – True copy of order dated 7.8.2013 of this Hon'ble Tribunal in OA No. 127/2012 and connected cases.
- Annexure R6** – True copy of order dated 20.8.14 of this Hon'ble Tribunal in OA No. 725/2012.
- Annexure R7** – True copy of order dated 16.5.17 of this Hon'ble Tribunal in OA No. 448/2014.
- Annexure R8** – True copy of the judgment dated 10.5.2018 in CWP No. 18488/2016 of Hon'ble High Court of Judicature for Rajasthan.

Annexure R9 – True copy of the case status of WP(C) 2806/2016 of the Hon'ble High Court of Delhi, downloaded from the website of Hon'ble High Court of Delhi.

Annexure R10 – True copy of downloaded case status of WPC No. 7756/2016, WPC No. 2505/2018 and WP(C) No. 7504/2013 of the Hon'ble High Court of Delhi.

Annexure R11 – True copy of the order dated 2.8.2018 in WP(C) No. 57935/2017 (S-CAT) in OA 17/20 of Hon'ble High Court of Karnataka.

Original Application No. 180/00039/2018

APPLICANT'S ANNEXURES

Annexure A1 – True copy of the letter No. B1/MACP/Dlg dated 7.12.2017 issued by the 3rd respondent.

Annexure A2 – True copy of the memo No. B-1/34 dated 16.4.1997 issued by the 3rd respondent.

Annexure A3 – True copy of the OM file No. 4-7/(MACPS)/2009-PCC dated 18.9.2009 issued by the DDG (Establishment) of the 1st respondent.

Annexure A4 – True copy of the memo No. B1/MACPs/Dlg dated 1.7.2010 issued by the 3rd respondent.

Annexure A5 – True copy of the salary slip of July 2011 of the applicant.

Annexure A6 – True copy of the order dated 16.3.2016 in OA No. 180/0008/2014.

Annexure A7 – True copy of the order dated 14.3.2013 in OA No. 1088/2011 of the Madras Bench.

Annexure A8 – True copy of the judgment dated 4.2.2015 of the Hon'ble High Court of Madras in WP No. 30629/2014.

Annexure A9 – True copy of the judgment dated 16.8.2016 of the Hon'ble Supreme Court in SLP © No. 4848/2016.

Annexure A10 - True copy of the memo No. B2/MACP III/Dlgs.2016 dated 22.3.2017 of by the Sr. Supt. of Post Offices, Chennai.

Annexure A11 - True copy of the representation dated 3.10.2017 submitted before the 3rd respondent.

Annexure A12 - True copy of the order dated 3.11.2015 of the Principal Bench of this Hon'ble Tribunal in OA No. 3756/2011.

RESPONDENTS' ANNEXURES

Annexure R1 – True copy of OM No. 4-7/(MACPS)/2009-PCC dated 18.9.2009.

Annexure R2 – True copy of OM No. 4-7/(MACPS)/2009-PCC dated 18.10.2010.

Annexure R3 – True copy of order dated 7.8.2013 of Hon'ble Tribunal in OA No. 127/2012 & connected cases.

Annexure R4 – True copy of order dated 16.5.2017 of Hon'ble Tribunal in OA No. 448/2014.

Annexure R5 – True copy of Department of Posts (Postal Assistant & Sorting Assistants) Recruitment Rules, 1990.

Annexure R6 – True copy of Department of Posts (Postal Assistant & Sorting Assistants) Recruitment (Amendment) Rules, 1992.

Annexure R7 – True copy of order dated 17.11.2015 in OA No. 219/2015.

Annexure R8 – True copy of the case status of WP(C) 2806/2016 of the Hon'ble High Court of Delhi, downloaded from the website of Hon'ble High Court of Delhi.

Annexure R9 – True copy of downloaded case status of WPC No. 7756/2016, WPC No. 2505/2018 and WP(C) No. 7504/2013 of the Hon'ble High Court of Delhi.

Annexure R10 – True copy of the order dated 2.8.2018 in WP(C) No. 57935/2017 (S-CAT) in OA 17/20 of Hon'ble High Court of Karnataka.

Annexure R11 – True copy of the common judgment dated 10.5.2018 in CWP 18488/2016 & connected cases of the Hon'ble High Court of Rajasthan, Jaipur Bench.

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APPLICANT'S ANNEXURES

- Annexure A1** – True copy of the selection memo No. B3/Exam/Gr.D/89 dated 1.2.1990 issued by 4th respondent.
- Annexure A2** – True copy of the memo No. B3-16-3/2008 dated 29.5.2009 selecting the applicant as TBOP Postman and the corrigendum dated 3.6.2009.
- Annexure A3** – True copy of the representation in Malayalam.
- Annexure A4** – True English translation of A3.
- Annexure A5** – True copy of the letter No. AK2/Part 2 dated 18.1.2017 issued by the 5th respondent.
- Annexure A6** – True copy of the recommendation of the 6th pay commission on Assured Career Progression Scheme and the decision of Government from Swamy's Compilation of central Civil Services Revised Pay Rules (6th Pay Commission).
- Annexure A7** – True copy of the judgment of Honourable High Court of Madras in WP No. 30629 of 2014.
- Annexure A8** – True copy of the judgment in SLP No. 4848 of 2016.
- Annexure A9** – True copy of the judgment in WP No. 11414 of 2012 of Hon'ble High Court of Rajasthan.
- Annexure A10** - True copy of the salary slip of Sathyan M.K., Postman, Speed Post, Ernakulam for the month of November, 2017.
- Annexure A11** - True copy of the salary slip of Babu T.P. for the month of November, 2017.
- Annexure A12** - True copy of the letter No. 2-33/2011-PCC issued by Director General Post.

RESPONDENTS' ANNEXURES

- Annexure R1** – True copy of the OM No. 4-7/(MACPS)/2009-PCC dated 18.9.2009.

- Annexure R2** – True copy of the OM No. 4-7/(MACPS)/2009-PCC dated 18.10.2010.
- Annexure R3** – True copy of letter No. B3/MACPS/11/2010 dated 1.3.2011.
- Annexure R4** – True copy of the representation dated 22.5.2017.
- Annexure R5** – True copy of the letter No. B3/MACPS/XIV dated 20.12.2017.
- Annexure R6** – True copy of the Department of Posts (Postman/Village Postman and Mail Guards) Recruitment Rules, 1989.
- Annexure R7** – True copy of the case status of WP(C) 2806/2016 of the Hon'ble High Court of Delhi, downloaded from the website of Hon'ble High Court of Delhi.
- Annexure R8** – True copy of downloaded case status of WPC No. 7756/2016, WPC No. 2505/2018 and WP(C) No. 7504/2013 of the Hon'ble High Court of Delhi.
- Annexure R9** – True copy of the order dated 2.8.2018 in WP(C) No. 57935/2017 (S-CAT) in OA 17/20 of Hon'ble High Court of Karnataka.
- Annexure R10** – True copy of the common judgment dated 10.5.2018 in CWP 18488/2016 & connected cases of the Hon'ble High Court of Rajasthan, Jaipur Bench.

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