

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00770/15**

Date of Order: 22.02.2019

C O R A M
HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Prem Prasad Sharma, Son of Sri Ganauri Prasad Sharma, Accountant office of Chief Postmaster, Patna, GPO (Bihar).

.... Applicant.

By Advocate: - Mr. M.P. Dixit

-Versus-

1. The Union of India through the Director General of Post, Ministry of Communication, Department of Post, Sanchar Bhawan, New Delhi.
2. The Chief Post Master General Bihar Circle, Patna.
3. The Director, Postal Service (HQ.), Office of the Chief Post Master General, Bihar Circle, Patna.
4. The Chief Post Master, Patna GPO (Bihar).
5. The Assistant Direct (Staff), Office of the Chief Post Master General, Bihar Circle, Patna.

..... Respondents.

By Advocate: - Mr. H.P. Singh, Sr. SC

O R D E R
[ORAL]

Per Dinesh Sharma, A.M:- The case of the applicant is that though he entered the service of the Postal Department w.e.f. 03.09.1983 the period of his service on Reserve Training Pool Postal Assistant (RTP/PA) was earlier not considered as regular service for the purpose of granting seniority/promotion from the date of his joining service as RTP. He approached this Tribunal through OA 78/1995 which was decided in his favour by order dated 24.10.2000. Following this, the applicant has been granted TBOP w.e.f. 04.09.1999 and the 2nd MACP w.e.f. 01.09.2008. However, though he

is entitled to get the 3rd MACP w.e.f. 03.09.2013 on completion of his 30 years of service from 03.09.1983, the respondents have not granted the same to him. Hence, this OA.

2. The respondents have denied the claim of the applicant. They have quoted the instructions contained in Director General (Posts), New Delhi letter no. 44-1/2011-SPB-II dated 12.04.2012 where it is specifically mentioned that services rendered under RTP scheme by personnel prior to their regular appointment as PA/SA cannot be counted for promotion, seniority and grant of MACP. This communication (at Annexure- A/9) discusses various Apex Courts judgments on counting of RTP service in the context of grant of Productivity Linked Bonus (found not countable) and for the purpose of grant of financial upgradation under TBOP (found countable). The Department has, however, found the RTP not countable for MACP.

3. We have gone through the pleadings and heard the counsels of both the parties. The respondents have quoted the Department Circular dated 12.04.2012 for not granting the 3rd MACP to the applicant. This circular attempt to make a distinction between TBOP and MACP and conveys the decision of the “competent authority” not to count the service rendered under RTP scheme for promotion, seniority and grant of MACP. This apparently goes against the decision of this Tribunal in the applicant’s case quoted above (OA 78/1995). The decision of this case was not contested by the Department in any higher judicial forum. In fact, the decision was implemented making a note of the same in the applicant’s

service record (Annexure A/4 refers). After regularizing his period of RTP from 03.09.1983 to 07.02.1987 in pursuance of this Tribunal's decision, the respondents cannot now call it as not regular and deny him the MACP quoting a circular issued by their Department in the year 2012. The respondents are, therefore, directed to grant the applicant the 3rd MACP from the date it became due on 30 years of completion of regular service. This would include the service regularized earlier in pursuance of this Tribunal's order dated 24.10.2000. The OA is disposed of accordingly. No order as to costs.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member