

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...

**O.A. No.60/1405/2017  
M.A. No.60/1775/2017 &  
M.A. No.60/381/2018**

**Date of decision: 03.10.2019**

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).  
HON'BLE MS. ARCHANA NIGAM, MEMBER (A).**

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1. Subhash Kakkar aged about 61 years, Ex. Head Postman, son of Late Sh. Ram Krishan, resident of H. No.57, Chandan Pur Road, Kirti Nagar, Sirsa (Group-C).
2. Dharampal aged about 61 years, Ex. Male Overseer son of Sh. Hanuman Sharma, resident of VPO Madho Singhana, Tehsil & District Sirsa (Group C).

**... APPLICANTS**

**VERSUS**

1. Union of India through its Secretary, Ministry of Communication, Department of Information and Technology, Sanchar Bhawan, Ashoka Road, New Delhi.
2. Chief Post Master General, Haryana Circle, Ambala.
3. Superintendent of Post Offices, Hisar Division, Hisar.

**... RESPONDENTS**

**PRESENT:** Sh. Ankur Sidhar vice Sh. Rajesh Khandelwal, counsel for the applicants.  
Sh. K. K. Thakur, counsel for the respondents.

**ORDER (Oral)**

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**SANJEEV KAUSHIK, MEMBER (J):-**

1. By means of present O.A., applicants have challenged letter dated 10.8.2016, 30.01.2017 and 25.8.2017 (Annexures A-5, A-7 and A-9)

respectively. It has further been prayed to direct the respondents to release benefit of third financial upgradation to the applicants especially in view of the Annexures A-10 and A-11).

2. Facts broadly are not in dispute.
3. The applicants initially joined as Group D on 02.9.1981 and 21.7.1976. They appeared in Limited Departmental Competitive Examination on 05.6.1984 and 07.4.1983 respectively and were appointed as Postman. Applicant no.1 was granted third MACP on 22.9.2011 and applicant no.2 on 11.9.2009. Applicants challenge action of the respondents in treating that benefit of financial upgradation as third MACP. It has been submitted that since applicants were appointed as Postman by way of competitive examination, therefore, the appointment cannot be treated as promotion for financial upgradation under MACP. Hence, it is prayed that by treating that appointment as Postman as a fresh one, applicants be granted third financial upgradation.
4. Learned counsel for the respondents informs that this issue has been decided by this Court while disposing of a number of Original Applications leading case being that of **Ishwar Dass vs. Union of India & Ors.** (O.A. No.63/93/2016) decided on 21.2.2019 against the category of the applicant, as upheld by the Hon'ble High Court by dismissing the writ petition at the hands of the applicants (therein).
5. Learned counsel for the applicants is not in position to rebut what has been stated above.
6. In the wake of above, we are left with no option but to dismiss this petition for the parity of reasons contained in the order dated

21.02.2019 in the case of Ishwar Dass (supra), relevant para of which is reproduced as under:-

"In the light of view taken by the Hon'ble High Court, in the case of **Nand Kishore** (supra), that the appointment of the incumbents as Postal Assistant, after passing the departmental test is a promotion and not direct recruitment, the very basis of filing of these cases loses its sheen and relied upon cases having been over ruled, these O.As. are dismissed. All the pending MAs also stand disposed of accordingly. No costs."

7. All the pending MAs also stand disposed of.

**(ARCHANA NIGAM)**  
**MEMBER (A)**

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

Date: 03.10.2019.

Place: Chandigarh.

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