

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/499/2018

Dated Tuesday the 17th day of April Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

A. John Joseph
S/o. Arulanandam
No. 1/181, Sakthi Nagar
Oddapatti Post
Collectorate S.O,
Dharmapuri – 636 705.

....Applicant

By Advocate M/s. R. Malaichamy
Vs

1. Union of India
Rep. by the Secretary
Department of Posts
Ministry of Communications & IT
Dak Bhavan, Sansad Marg
New Delhi – 110 001.
2. The Chief Postmaster General
Tamil Nadu Circle
Anna Salai, Chennai – 600 002.
3. The Postmaster General
Western Region (TN)
Coimbatore – 641 002.
4. The Assistant Director (Staff)
O/o. The Postmaster General
Western Region (TN)
Coimbatore – 641 002.
5. The Superintendent of Post Offices
Dharmapuri Division
Dharmapuri – 636 701.

....Respondents

By Advocate Mr. S. Nagarajan

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

The applicant had filed this OA seeking the following reliefs:

“i. To call for the records of the 4th respondent pertaining to his order which is made in No. STC/10-1/II/2017 dated 12.03.2018 and set aside the same, consequent to;

ii. direct the respondents to grant MACP-III w.e.f. 01.01.2006 or 13.02.2010 with all attendant benefits accordingly; consequent to

iii. direct the respondents to revise and re-fix the retirement service benefits of the applicant and thereby to pay the arrears of pay and allowances and retirement benefits including pension to the applicant; and

iv. To pass such further orders ”

2. Learned counsel for the applicant would submit that the applicant made Annexure A2 representation dated 23.12.2017 to the respondents for MACP-III benefit. He made the representation on the basis of decisions of this Tribunal in this Bench, Principal Bench and the Jodhpur Bench in various OAs to the effect that appointments made after selection through a competitive examination should not be deemed to be a promotion for the purpose of grant of MACP. It is submitted that a writ petition filed by the respondents before the Hon'ble High Court of Rajasthan against the order passed by the Jodhpur Bench was dismissed. Similarly a writ petition filed by the department before the Hon'ble Madras High Court was also

dismissed. The SLP filed by the department against the order of the Madras High Court was also dismissed by the Hon'ble Apex Court.

3. It is submitted that the impugned order made no reference to these developments and is, therefore, non-speaking besides being dismissive in nature. Accordingly, the applicant would be satisfied if the respondents are directed to consider the matter in the light of judicial pronouncements in similar cases and pass a reasoned and speaking order.

4. Mr. S. Nagarajan takes notice on behalf of the respondents.

5. In view of the limited relief sought and the fact that the Annexure A4 impugned order dated 12.03.2018 makes no reference to the contentions raised by the applicant in Annexure A2 representation dated 23.12.2017, without going into the substantive merits of the case, the respondents are directed to pass a reasoned and speaking order keeping in view the order of the Tribunal / High Court / Supreme Court referred to by the applicant, if he is similarly placed within a period of two months from the date of receipt of copy of this order.

6. OA is disposed of at the admission stage.

(R. Ramanujam)
Member(A)
17.04.2018

AS