

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.21/770/2019

Date of Order: 22.08.2019

Between:

1. Mohd Jamaluddin, Gr-C,
S/o. late Mohd Kajamoinuddin,
Aged 67 years, Occ: Retd PA,
Hyderabad GPO,
R/o. 8-4-379/91/ Borabanda,
Moti Nagar, Hyderabad.
2. B. Satyanarayana, Gr-C,
S/o. late B. Pullaiah,
Aged 66 years, Occ: Retd PA,
Hyderabad GPO,
R/o. Plot No. 30, Ayyappa Colony,
Dammaiguda, Nagaram Post – 500083.
3. Nirajnjan, S/o. late V.M. Arunachalam,
Aged 63 years, Occ: Retd. PA,
Hyderabad GPO,
R/o. 17-18/2, Kamalanagar Colony,
Medipalli, Hyd 500 098.
4. M.A. Kalid, S/o. late M.A. Ghani,
Aged 63 years, Occ: Retd PA,
Hyderabad GPO,
R/o. 4-14-110, Hussainnagar,
Hyderabad – 500 052.
5. Syed Afzal Hussain, S/o. late Syed Mohammad,
Aged 69 years, Occ: Retd PA,
Hyderabad GPO, Hyderabad.
6. R.S. Prakasa Rao, S/o. late Rama Lingam,
Aged 66 years, Occ: Retd PA,
Putlibowli, Hyderabad,
R/o. 2-2-1137/3/8,
New Nallakunta, Hyderabad – 500 044.

... Applicants

And

1. Union of India,
Rep. by the Secretary to the Govt. of India,
Ministry of Communications and IT,
Department of Posts,
Dak Bhavan, Sansad Marg, New Delhi – 110 001.

2. The Chief Postmaster General,
Telangana Circle, Dak Sadan,
Abids, Hyderabad – 500 001.
3. The Post Master General,
Head Quarter Region,
Dak Sadan, Abids, Hyderabad – 500 001.
4. The Chief Post Master,
Hyderabad GPO,
Hyderabad – 500 001.
5. The Senior Superintendent of Post Offices,
Hyderabad City Division,
Hyderabad– 500 001.

... Respondents

Counsel for the Applicants ... Mr. B. Gurudas
Counsel for the Respondents ... Mrs. K. Rajitha, Sr. CGSC

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORDER

{As per B.V. Sudhakar, Member (Admn.) }

2. OA is filed for not granting 3rd MACP to the applicants.
3. Brief facts of the case are that the applicants were appointed as MTS/ Postmen and later, they were promoted as Postal Assistants after clearing the Limited Departmental Competitive Examination (for short “LDCE”) conducted by the respondents. Applicants claim that they are eligible for 3rd financial upgradation under MACP Scheme since they have completed 30 years of service. However, respondents have rejected the same on the ground that the promotion from MTS/ Postman to Postal Assistant has to be reckoned against the 1st financial upgradation. Applicants claim that this is against Rules and therefore, they have

represented on 27.07.2019. Till date, they have not got the relief sought. Hence, the OA.

4. Contentions of the applicants are that Hon'ble Principal Bench, Jodhpur and Madras Benches of this Tribunal as well as this Bench have allowed financial upgradation taking the date of appointment as Postal Assistant. Order of the Madras Bench of this Tribunal was upheld by the Hon'ble High Court of Madras and when challenged in the Hon'ble Supreme Court by an SLP, the same was dismissed. Thus, the issue has attained finality. In fact, Senior Superintendent of Post Offices of Chennai implemented the order in March 2017. Applicants are similarly placed and are eligible to seek extension of similar benefit.

5. Heard learned counsel for both sides and perused the pleadings on record.

6(I) Applicants are requesting to grant 3rd financial upgradation under MACP Scheme after having completed 30 years of service. In this regard, applicants have submitted judgments of the Hon'ble Madras Bench of this Tribunal in OA 1088/2011, dated 14.03.2013, which was upheld by the Hon'ble High Court of Madras in WP No. 30629/2014 filed by the respondents in the OA and the Hon'ble Supreme Court of India dismissed the SLP (C) No. 4848/2016 filed in regard to the issue. The order of the Hon'ble High Court of Madras, which was in favour of the respondents in the writ petition was implemented by the Senior Superintendent of Post Offices, Chennai City North Division on 22.03.2017. Similar case was dealt with by this Tribunal in OA

409/2015, which was allowed vide order dt. 01.06.2016 and the same was confirmed by the Hon'ble High Court of Judicature at Hyderabad in WP No. 3420/2017 vide order dt. 04.08.2017. Further, Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in WP No. 26502/2017 vide order dt. 08.08.2017 also confirmed the order of this Tribunal passed in similar matter vide OA No.1181/2014, dt.01.06.2016.

(II) In view of the above, respondents are directed to dispose of the representation of the applicants keeping in view the judgments of the superior judicial forums cited supra by issuing a speaking and reasoned order, within a period of two months from the date of receipt of this order.

7. With the above direction, OA is disposed of, at the admission stage itself. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 22nd day of August, 2019

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