

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

Original Application No.20/85/2013

Date of Order: 19.06.2019

Between:

1. B. Babu Rao, S/o. Subba Rao, aged 52 yrs,
Multi Tasking Staff, O/o. Sr. Post Master,
Vijayawada HO., R/o. No. 12-56, Christianpeta,
Tadepalli, Guntur District – 522 501.
2. D. Sanjeeva Rao, S/o. John, aged 59 years,
Multi Tasking Staff, O/o. Sr. Post Master, Vijayawada HO.,
R/o.No.6-21-14/B, Tailorpet, Chittinagar, Vijayawada.
3. N. Jaya Rao, S/o. Rosaiah, Aged 59 years, Multi Tasking Staff,
O/o. Sr. Supdt. of Posts, Vijayawada, R/o. Door No. 50-8-28,
Ayyappa Nagar, Gunadala, Vijayawada-1.
4. M. Mohan Rao, S/o. Narayan Chowdary, Aged 49 years,
MTS, O/o. Senior Post Master, Vijayawada HO, R/o. 1, Block – 5,
P & T Quarters, Gandi Colony, Vijayawada – 10.

... Applicants

And

1. Union of India, Rep. by its Secretary & Director General,
Department of Posts, Ministry of Communication & Information
Technology, Dak Bhavan, New Delhi – 110 001.
2. The Chief Postmaster General, Andhra Pradesh Circle,
Dak Sadan, Abids, Hyderabad – 500 001.
3. The Post Master General, Vijayawada Region, Vijayawada – 3.
4. The Senior Superintendent of Post Offices,
Vijayawada Division, Vijayawada.
5. The Senior Post Master, Head Office, Vijayawada – 520 001.

... Respondents

Counsel for the Applicants ... Dr. P.B. Vijaya Kumar

Counsel for the Respondents ... Mrs. K. Rajitha, Sr. CGSC

CORAM:

Hon'ble Mr. Justice L Narasimha Reddy, Chairman

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

ORAL ORDER
{As per Hon'ble Mr. Justice L Narasimha Reddy, Chairman}

The applicants joined the service of the Department of Posts on casual basis in the year 2001. On completion of three years of continuous service, they were conferred temporary status and thereafter, were put in Group D service from different dates, in the year 2004. They submitted representation on 06.12.2012 with a request to extend the benefit of first MACP by stating that they have completed 10 years of service, by that time. The respondents replied on 14.08.2012 stating that the applicants did not complete the stipulated service of 10 years and they are not entitled for the same. This OA is filed with a prayer to direct the respondents to extend the benefit of first MACP on completion of 10 years service by counting the temporary services, and to extend pensionary benefits, in accordance with law.

2. The respondents filed counter affidavit opposing the OA. It is stated that, it is only the regular service, which can be counted under the MACP Scheme. According to them, they reckoned the services of the applicants from the respective dates in the year 2004, on which they were put in Group D service, and that they did not complete 10 years service by the time they submitted representation.

3. Heard Mr. P. Ramachandra Rao, learned proxy advocate for Dr. P.B. Vijaya Kumar, learned counsel for the applicants and Mr. B. Laxman, learned proxy counsel representing Mrs. K. Rajitha, learned Senior Central Government Standing Counsel.

4. It may be true, that the applicants have been working in the Department of Posts in one capacity or the other, from 2001. The fact, however, remains that they were put in Group D posts only in the year 2004. Government of India issued Office Memorandum dated 18.09.2009 framing the guidelines for extending the benefit of MACP w.e.f. 01.09.2008. In the Annexure I, appended to the said Office Memorandum, the expression 'regular service' is clearly defined and described in para 9, which reads as under:

"9. 'Regular service' for the purposes of the MACPS shall commence from the date of joining of a post in direct entry grade on a regular basis either on direct recruitment basis or on absorption/re-employment basis. Service rendered on adhoc/ contract basis before regular appointment or pre-appointment training shall not be taken into reckoning. However, past continuous regular service in another Government Department in a post carrying same grade pay prior to regular appointment in a new Department, without a break, shall also be counted towards qualifying regular service for the purposes of MACPS only (and not for the regular promotions). However, benefits under the MACPS in such cases shall not be considered till the satisfactory completion of the probation period in the new post."

From this, it is clear that the 'regular service' commences from the date on which the applicants join the posts on regular basis, either by way

of direct recruitment, or on absorption, or on redeployment. Such an event in respect of the applicants took place only in the year 2004. Therefore, the question of their being extended the benefit of first MACP before they complete 10 years regular service from the date on which they were put into Group D, does not arise.

5. Reliance is placed on certain orders passed by different Benches of this Tribunal. They are in relation to extension of pensionary benefits, that too, in certain other Departments and they are governed by separate set of rules. We, however, make it clear that the applicants shall be extended the benefit of first MACP on completion of 10 years service from the dates on which they were put into Group D cadre.

6. OA is disposed of accordingly. There shall be no order as to costs.

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

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

(Dictated in open court)
Dated, the 19th day of June, 2019

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