

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
Original Application No. 040/00307/2019
Date of Decision: 20.09.2019

THE HON'BLE MRS. MANJULA DAS, JUDICIAL MEMBER
THE HON'BLE MR. N. NEHSIAL, ADMINISTRATIVE MEMBER

Sri Monir Uddin Ahmed
S/o Late Abdul Goni
Junior Engineer (Civil)
Postal Civil Sub Division, (Dimapur)
P.O. Dimapur, Nagaland, Pin – 797112.

....Applicant

By Advocate(s): Sri S. Nath
Sri G. J. Sharma

-AND-

1. Union of India
Represented by the Secretary, Govt. Of India
Ministry of Communication & IT
Department of Posts, Sanchar Bhavan, 20
Ashoka Road, New Delhi – 110001.
2. The Chief Engineer (Civil)
Department of Posts
Dak Bhawan, Sansad Marg
New Delhi – 110116.
3. The Superintending Engineer (Civil)
Postal Civil Circle
Yogayog Bhawan, 4th Floor
P-36 C.R. Avenue, Kolkata – 700012.
4. Accounts Officer
Office of the Executive Engineer (C)
Postal Civil Division, Meghdoot Bhawan Complex
Guwahati – 781001.

....Respondents

ORDER (ORAL)**MANJULA DAS, JUDICIAL MEMBER:**

The instant O.A. has been preferred by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

- 8.1 That the Hon'ble Tribunal be pleased to declare that the applicant is entitled to be placed in the grade pay of Rs. 4600 on completion of 20 years of regular service in terms of MACP Scheme.
- 8.2 That the Hon'ble Tribunal be pleased to direct the respondents to grant the applicant 2nd financial upgradation under MACP Scheme in the grade pay of Rs. 4600/- w.e.f. 29.10.2013.
- 8.3 Costs of the application.
- 8.4 Any other relief(s) to which the applicants are entitled to as the Hon'ble Tribunal may deem fit and proper.

2. Sri S. Nath, learned counsel for the applicant submitted that the applicant is presently working as Junior Engineer (Civil) in the department of Posts and now posted at Postal Civil Sub Division, Dimapur, Nagaland. According to learned counsel, the applicant was initially appointed as postal Assistant on 30.10.1993. He was granted 1st financial upgradation in the Grade pay of Rs. 2800/- under the MACP Scheme. The applicant participated in the Departmental Examination, 2007 held on 21/11.07.2007 for appointment as Junior Engineer (Civil). However, the said examination conducted in respect of candidates appeared at

Guwahati Centre was cancelled due to the anomalies. In terms of the order dated 02.03.2010 passed by this Tribunal in O.A. No. 178/2008, re-examination for two papers were conducted on 20.10.2013. The applicant qualified in the Departmental Examination in the year 2013 was appointed as Junior Engineer (Civil) on 17.02.2014 and was granted the benefit of pay fixation w.e.f 31.12.2007.

3. Learned counsel further submitted that in terms of the MACP Scheme in the Department of Posts, the employees in the Pay Band of Rs. 5200-20200 with Grade pay of Rs. 2400/- on completion of 10 years of service to be placed in the Grade Pay of Rs. 2800, if first regular promotion as inspector on completion of 15 years in the Grade pay of Rs. 4200/- i.e. 10+5 then 2nd MACP to the Grade Pay of Rs. 4600 on completion of 20 years (i.e. 10+5) or 10 years in the same Grade pay whichever is less. In the present case, the applicant had completed 20 years of regular service on 29.10.2013, as such, he is entitled to be placed in the Grade pay of Rs. 4600/-. Being aggrieved with that the applicant submitted several representations dated 21.11.2014, 03.09.2015, 09.12.2015 and 19.11.2018, but the same has not been considered by the respondents' authority till date.

4. We have heard learned counsel for the applicant, perused the papers and documents produced before us. Keeping in view of the pending representations, without going into the merit of the case as well as without issuing notice to the respondents, we found that it is a fit case to direct the appropriate authority to consider the last pending representation dated 19.11.2018 and dispose of it and pass a reasoned and speaking order within a reasonable period of two months from the date of receipt copy of this order. Order accordingly.

5. It is needless to mention that whatever decision to be passed by the appropriate authority, the same shall be communicated to the applicant forthwith.

6. With the above directions, O.A. stands disposed of at the admission stage. No order as to costs.

(N. NEHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)