

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2017
CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

Writ Petition No.21293 of 2016

C.Mohanraj

.. Petitioner

Vs.

1.The Registrar,
Central Administrative Tribunal,
Madras Bench, High Court Campus,
Chennai-600 104.

2.Union of India, rep.by
The Chief Postmaster General,
Tamil Nadu Circle,
Chennai-600 002.

3.The Superintendent of Post Offices,
Pollachi Division, Pollachi-642 001.

.. Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorari calling for the concerned records relating to the impugned order dated 27.11.2015 given in O.A.No.807 of 2014 passed by the first respondent and quash the same.

For Petitioner : Mr.S.Ramaswamyrajarajan

For Respondents : Mr.V.Balasubramanian for R2

ORDER

(Order of the Court was made by HULUVADI G.RAMESH, J.)

This writ petition has been filed against the order passed by the first respondent-Tribunal dated 27.11.2015 in O.A.No.807 of 2014.

2.The petitioner was selected as Postal Assistant in the Indian Posts and Telegraphs Department under Reserved Training Pool for Postal Assistant Cadre during May 1982. He volunteered himself to be appointed as Warrant Officer and with effect from

30.11.1985, he was appointed as Warrant Officer (Postal Assistant) in Army Postal Service and he worked in that capacity till 28.07.1991 and on his having been discharged from such service, he joined the Postal Department as Postal Assistant without any break in service. Thereafter, he was granted 2nd Financial Upgradation vide order dated 08.06.2010 under the Modified Assured Career Progression Scheme ("MAPS Scheme" in short) with effect from 30.01.2010 without counting his service in Army Postal Service as Warrant Officer. Hence, the petitioner filed an application before the first respondent Tribunal in O.A.No.807 of 2014 praying for a direction to the respondents 2 and 3 to give the petitioner the benefit of financial upgradation under MACP-II Scheme with effect from 19.02.2008 taking into account the period rendered by him in Army Postal Service as Warrant Officer during the period from 29.11.1995 to 28.07.1991 and fix his pay, grade pay and other allowances accordingly and also to pay the accrued amount with 18% interest. The Tribunal referred the matter to the Full Bench and the Full Bench of the Tribunal passed the impugned order dismissing the claim of the petitioner herein. Hence this writ petition.

3.The learned counsel for the petitioner has submitted that under similar circumstances, the High Court of Kerala at Ernakulam, in O.P.(CAT)No.33 of 2016(2) dated 09.02.2016 has rendered a judgment, wherein it was ordered that continuous service of the respondents therein had to be reckoned from the dates on which they were appointed as Warrant Officers in the Army Postal Service. Stating so, the learned counsel prayed for a similar relief in the present case.

4.We have heard the submissions made by the learned counsel for the second respondent on the submissions made by the learned counsel for the petitioner.

5.On a perusal of the judgment of the High Court of Kerala at Ernakulam, in O.P.(CAT)No.33 of 2016(2) dated 09.02.2016, which has been relied upon by the learned counsel for the petitioner, we find that the said order squarely applies to the facts and circumstances of the present case. In that case, the first applicant therein and others were appointed as Warrant Officers in the Army Postal Service in the regular service. The first applicant therein was regularly appointed on 28.05.1990 and he was discharged from the Army Postal Service on 27.06.1991. Their appointments to the Army Postal Service was on regular service, though they were borne in the Postal Service in the Reserve Trained Pool. Therefore, it was held that their continuous service had to be reckoned from the dates on which they were appointed as Warrant Officers in the Army Postal Service. We are not having any second opinion over this aspect.

6.The petitioner herein has been appointed in the regular service in the Postal Department and thereafter, on his request, appointed as Warrant Officer in the Army Postal Service and having been discharged from such service, he joined the Postal Department without break in service. In view of the above judgment of the Hon'ble Kerala High Court which squarely applies to the facts and circumstances of the present case, we hereby quash the impugned order dated 27.11.2015 passed by the Tribunal in O.A.No.807 of 2014 and hold that the continuous service of the petitioner herein had to be reckoned by taking into account the service rendered by the petitioner in Army Postal Service as Warrant Officer and accordingly the second financial upgradation under the MACP Scheme shall be conferred.

7.The writ petition is allowed to the extent indicated above. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

KM

To

1.The Registrar,
Central Administrative Tribunal,
Madras Bench, High Court Campus,
Chennai-600 104.

2.The Chief Postmaster General,
Tamil Nadu Circle,
Chennai-600 002.

3.The Superintendent of Post Offices,
Pollachi Division, Pollachi-642 001.

+1cc to Mr.R.S.Ramasamy Rajarajan, Advocate, S.R.No.87603

+2cc to Mr.V.Balasubramanian, Advocate, S.R.No.87223

W.P.No.21293 of 2016

RJ(CO)
RRK(20/01/2018)