

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.26502 of 2017

Date:08.8.2017

Between:

Union of India, repled by the Secretary,
Govt of India, Ministry of Communication
& IT, Department of Posts-India,
New Delhi and three others.

..... Petitioners

And:

E.Sreeramulu,
S/o E.Munayya

.....Respondent

Counsel for the petitioners: Mr. B.Narayana Reddy

Assistant Solicitor General

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

Order, dated 01.6.2016, in O.A.No.020/01181/2014 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad (for short 'the Tribunal') is assailed in this Writ Petition.

The brief facts leading to filing of this Writ Petition are as follows:

The respondent was initially appointed as Extra Departmental Branch Post Master (for short 'EDMC'), Devalampet BO in Postal Department in the year 1980. In the year 1984, he was promoted as Postman. Subsequently, he appeared for the Limited Departmental Competitive Examination, got selected and was appointed as Postal Assistant in the year 1989. The first financial up-gradation was extended to him under Time Bound One Time Promotion Scheme (TBOP), vide Memo No.B7-3/2005-06, dated 28.7.2005, with effect from 30.10.2005. The Government of India has introduced Modified Assured Career Progression Scheme (for short 'the MACP Scheme') with effect from 01.9.2008, which provided for extending three financial up-gradations to an employee during his career. The respondent stated that he has completed 20 years of service as Postal Assistant on 14.10.2009. He alleged that petitioner No.4, in the guise of granting the third financial up-

gradation under the MACP Scheme, has extended the second financial up-gradation to him, vide Memo No.B2/MACP, dated 14.02.2014, with effect from 06.4.2014. The petitioner submitted a representation, dated 12.3.2014, to petitioner No.4 for grant of the second financial up-gradation under the MACP Scheme with effect from 14.10.2009 instead of from 06.4.2014. As there was no response from the petitioners, the respondent approached the Tribunal by way of filing O.A.No.020/01181/2014, which was allowed by order, dated 01.6.2016.

A perusal of the impugned order shows that the Tribunal has placed reliance on the judgment, dated 05.8.2014, in Writ Petition(C) No.4131 of 2014 of the Delhi High Court, wherein it was held that the appointment of a departmental employee to a higher post consequent on his success in competitive examination shall be treated on par with appointment of an outsider under direct recruitment process and therefore, such appointments shall not be viewed as conferment of financial up-gradations. The Madras High Court in *Union of India and others Vs. D.Sivakumar and another*¹, has also taken a similar view. This Court by order, dated 04.8.2017, following the aforementioned judgments, has dismissed Writ Petition No.3420 of 2017, wherein an identical issue was raised.

¹ CDJ 2015 MHC 4401

In the light of the above discussion, we find do not find any merit in the Writ Petition and the same is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.32874 of 2017 filed by the petitioners for interim relief is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE G.SHYAM PRASAD

08th August 2017
DR

