

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Civil Writ Petition No. : 7930 of 2019(O&M)
Date of decision : August 29, 2019

Munni Devi @ Manorma ...Petitioner
Versus
Union of India and others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr.Ankur Sidhar, Advocate for the petitioner.

Harinder Singh Sidhu, J. :

1. This writ petition has been filed against the order dated 25.01.2019 (Annexure P-1) of the Central Administrative Tribunal, Chandigarh Bench, whereby Original Application No.060/00638/2016 filed by the petitioner was dismissed. Challenge is also to the order dated 18.02.2019 whereby Review Application No.060/0007/2019 in the said Original Application was dismissed.

2. The husband of the petitioner (Ved Pal Sandhu) joined as Postal Assistant on 06.09.1982. On completing 16 years qualifying service on 06.09.1998 he was allowed financial up-gradation under the Time Bound One Promotion Scheme (TBOP). He was however denied the benefit of the 2nd MACP under the MACP Scheme 2008 vide order dated 16.05.2012. He died on 03.09.2014.

3. The Original Application was filed by the petitioner (his widow) praying for grant of 2nd MACP to her late husband with consequential benefits. It was her case that her husband had been denied the 2nd MACP on untenable grounds. The 2nd MACP was due to her

husband on 01.09.2008. For grant of the said benefit ACRs of the immediately preceding 05 years i.e. 2002 to 2007 were to be considered. There was no punishment awarded to her husband nor were there any adverse remarks against him. Hence he had been illegally denied the benefit.

4. The case of the respondents was that the husband of the petitioner was found unfit for 2nd financial up-gradation as he had 'average' grading in the ACRs for the years 2005-06, 2006-07, 2007-08, 2008-09 and 2009-2010 which were taken into account for assessment of his fitness for grant of financial up-gradation. He was also awarded 'average' benchmark on account of his un-authorised absence from duty for 225 days which period was ordered to be treated as '*dies-non*'. Details of his unauthorised absence were furnished in table-A. He had been awarded six punishments which included punishment of censure (1989-90), withholding of one increment for three months vide order dated 30.08.1999, withholding of one increment for one year without future effect vide order dated 25.09.2008, withholding of one increment for one year without future effect vide order dated 13.11.2011, and withholding of one increment for one year without future effect vide order dated 10.05.2013. These punishments which translated into adverse entries were communicated to him. The adverse remarks were communicated to him vide letters dated 16.07.1990, 28.09.2000, 06.07.2009 and 01.04.2013. No appeal or review had been filed there-against by him.

5. On receipt of a representation from the husband of the petitioner against the non-grant of 2nd MACP whereupon, the Chief Post

Master General (Haryana Circle) (respondent No. 2) had directed the Superintendent of Post Offices, Bhiwani Division (respondent No.3) to reconvene meetings of the Screening Committee and scrutinise the ACRs as per policy and instructions. It was also directed that all ACRs which were to be considered for grant of MACP be communicated to the official. It was also directed that his case for grant of up-gradation under the MACP Scheme be considered on year to year basis by convening meeting of the Screening Committee. Thereafter all the ACRs were communicated to the husband of the petitioner.

6. A Scrutiny Committee meeting was held on 11.09.2014 for scrutinising the ACRs of the husband of the petitioner recommended the following Grading qua him which was accepted by the DPS (Hq.) Haryana Circle Ambala.

<i>2002-03</i>	-	<i>Good</i>
<i>2003-04</i>	-	<i>Good</i>
<i>2004-05</i>	-	<i>Good</i>
<i>2005-06</i>	-	<i>Average</i>
<i>2006-07</i>	-	<i>Average</i>
<i>2007-08</i>	-	<i>Average</i>

7. His case was then considered by the Review Screening Committee in the meeting held on 04.07.2014 for grant of 2nd MACP on year to year basis, but he was not found fit for the reasons noted against each date from which financial up-gradation was due. The financial up-gradation due on 01.09.2008 was denied as he had been awarded punishment of 'stoppage of one increment for a period of one year' vide memo dated 25.09.2008. For the next due date of 01.07.2010, he was not recommended due to unsatisfactory record of service i.e. Average Gradings

in the ACRs from 2005-06 to 2008-09. Similarly, his case was not recommended for the next due date i.e. 01.07.2011 due to unsatisfactory record of service i.e. Average Grading in the ACRs for the period from 2005-06 to 2009-10. He was also not recommended from the next due date i.e. 01.07.2012 because of punishment of withholding of one increment without cumulative effect awarded on 13.11.2011 and also due to Average Grading for the year 2006-07 to 2010-11. On the next due date i.e. 01.07.2013 he was not recommended because of imposition of punishment of withholding of one increment for one year without future effect vide memo dated 10.05.2013 and also Average Grading for the year 2007-08 to 2009-2010.

8. Based on the above service record, the Ld. Tribunal concluded that the official was undergoing one punishment after the other. A year to year review DPC was conducted by respondents for considering his case for grant of MACP since the launch of MACP. He was however found unfit. Accordingly, the Original Application was dismissed.

9. There is no illegality or infirmity in the order of the Tribunal.

10. Consequently this petition is dismissed.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

August 29, 2019

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No