

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17698 of 2024

1. The Union of India, through the Secretary, Ministry of Communication, Government of India P.S. Sansad Marg, Dak Bhawan, District - New Delhi 110001
2. The Director General, Department of Posts, Government of India, P.S. Sansad Marg, Dak Bhawan, District- New Delhi 110001
3. The Chief Postmaster General Bihar Circle, Meghdoot Bhawan, G.P.O. Complex, P.S. Kotwali, District Patna- 800001,
4. The Director Accounts (Patna), Bihar Circle, G.P.O. Complex, P.S. Kotwali, District Patna - 800001.
5. The Senior Superintendent of Railway Mail Services, Patna Division, P.S. Kotwali, District, Patna - 800004.
6. The Chief Postmaster, P.S. Kotwali, District Patna G.P.O. - 800001.
7. The Head Record Officer, HRO, RMS, Patna Division, P.S. Kotwali, District Patna – 800004.

... .. Petitioner/s

Versus

1. Om Prakash Singh Son of Late Ayodhya Singh Resident of Flat No. 302, Ranjan Plaza Apartment, Near Jhunjhun Mahal, New Yarpur, Patna, PIN-800001, Mobile NO.-9430935498, email id opsingh1784@gmail.com.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kumar Ravish, Advocate
For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and

HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 20-03-2025

In the instant writ petition, petitioners/postal department have assailed the order of the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as 'CAT') dated 06.05.2024 passed in O.A. No. 050/00361 of 2020. Respondent –



Om Prakash Singh had a grievance insofar as extending benefit of second and third MACP and it was allowed in his favour, thus, postal department has preferred the present writ petition.

2. Brief facts of the case are that respondent - *Om Prakash Singh* was initially appointed as Sorting Assistant in the postal department on 03.11.1976. He has earned promotion to the post of Inspector Railway Mail on 26.02.1992. On 09.08.1999 ACP scheme was introduced by which the respondent – *Om Prakash Singh* has been extended benefit of second ACP on 03.11.2000 while taking note of that he has served 24 years of service in the pay scale of Rs. 6500-10500. Thereafter, he has earned one more promotion to the post of Assistant Superintendent Railway Mail on 20.03.2006. The government introduced MACP scheme on 19.05.2009 which is effective from 01.09.2008. The respondent – *Om Prakash Singh* has been extended benefit of third MACP in the grade pay of Rs. 4800 on 06.06.2009, thereafter, he has attained age of superannuation and retired from service on 31.12.2013. When things stood thus government has taken a policy decision insofar as upgradation on 24.10.2017 in respect of grade pay of Rs. 4200 to Rs. 4600 with retrospective effect from 01.01.2006. If retrospectivity of upgradation of pay from 01.01.2006 notified on 24.10.2017 is required to be implemented,



in that event respondent - *Om Prakash Singh* is beneficial to the extent of his upgradation with effect from 01.01.2006 from Rs. 4200 grade pay to that of Rs. 4600 grade pay, thereafter, he is entitled for consequential benefits including second and third MACP.

3. Learned counsel for the petitioners submitted that CAT has committed error in not taking note of Modified Assured Career Progression Scheme (MACPS) Official Memorandum dated 19.05.2009 read with Annexure – I, *i.e.*, Paragraph No. 8. It is submitted that CAT has taken note of only paragraph No. 5. If Paragraph No. 8 is taken into consideration, in that event respondent – *Om Prakash Singh* has earned two promotions to the post of Inspector Railway Mail and Assistant Superintendent of Railway Mail on 26.02.1992 and 20.03.2006 respectively, therefore, he is not entitled to benefit of second MACP and third MACP pursuant to the upgradation of grade pay from Rs. 4200 to Rs. 4600 notified on 24.10.2017 with effect from 01.01.2006.

4. The aforementioned contention is not acceptable that upgradation of grade pay from Rs. 4200 to Rs. 4600 has been given effect from 01.01.2006 while notifying on 24.07.2017, respondent - *Om Prakash Singh's* right has accrued to claim upgradation of pay of Rs. 4600 from Rs. 4200 with effect from



01.01.2006. Resultantly, he has the benefit of ignoring the promotion granted on 26.02.1992 and 20.03.2006. By virtue of upgradation of pay of Rs. 4200 to Rs. 4600 on 24.10.2017 with effect from 01.01.2006. In the official memorandum dated 19.05.2009 (MACP Scheme), in particularly, Paragraph No. 8 would not assist the petitioners/postal department. The later policy decision of the government insofar as upgradation of grade pay from Rs. 4200 to Rs. 4600 with retrospective effect from 01.01.2006 has consequential effect and right has been created to certain class of persons. Respondent - *Om Prakash Singh* is one of the beneficiary of upgradation read with the scheme of MACP notified on 19.05.2009 with effect from 01.09.2008. In view of the later development of upgradation of pay, the petitioners / postal department have not made out a case so as to interfere with the CAT order dated 06.05.2004 passed in OA No. 050/00361 of 2020. Accordingly, writ petition stands dismissed.

(P. B. Bajanthri, J)

(Alok Kumar Sinha, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.03.2025
Transmission Date	NA

