

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

204

CWP-18256-2020 (O&M)
Decided on : 13.08.2025

SUBHASH KAKKAR AND ANR

. .Petitioners

Versus

CENTRAL ADMINISTRATIVE TRIBUNAL, CHANDIGARH BENCH
AND ORS

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

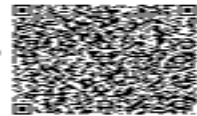
PRESENT: Mr. Satbir Singh Gill, Advocate for the petitioner.

Mr. Anil Chawla, Advocate
Senior Panel Counsel-UOI
for respondents No. 2 to 4

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the impugned order dated 03.10.2019 (Annexure P-14) passed by the respondent No. 1-Central Administrative Tribunal, Chandigarh Bench, Chandigarh (herein after referred to Tribunal), by which, the claim of the petitioner that he was promoted to the post of Postman by way of the limited departmental competitive examination so as to treat the said post as a fresh one so as to grant him the 3rd MACP has been rejected.

2. Learned counsel for the petitioner argues that once, the petitioner has competed for the post of Postmen after appearing in a



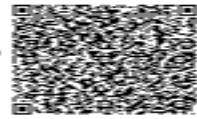
competitive examination, the said appointment of the petitioner cannot be treated as a promotion so as to deny the 3rd financial up-gradation to him, hence, the non consideration of the said fact by the Tribunal while passing the order dated 03.10.2019, is causing prejudice to the petitioner therefore, the same may kindly be set-aside.

3. Learned counsel for the respondents submits that the said issue has already been finalized upto this Court as, similar claim raised in OA No. 63/93/2016, titled as *Ishwar Dass versus Union of India and others, decided on 21.02.2019* wherein it has been held that the process of competitive examination adopted for promotion to the post of Postman is not a direct recruitment but is only a process envisaged for promotion to the post of Postman and the said judgment passed in *Ishwar Dass's case (supra)* has already been upheld by this Court.

4. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

5. Nothing evident has been brought to the notice of this Court to show that the post of the Postman was advertised by the department concerned to be filled by way of direct recruitment. In required situation, an examination can also be prescribed for seeking the eligibility for the promotion to a particular post. In the present case also, the petitioner has not been able to show this Court that his appointment as a Postman was rather a direct recruitment and not a promotional appointment.

6 Further, the same issue has already been decided by the Tribunal in order dated 21.02.2019 that the department test was provided for the promotion to the post of Postal Assistant, hence, the said promotion cannot be treated as a direct recruitment so as to grant the benefit of 3rd



MACP. The said judgment has already been upheld by this Court, which fact has also gone unrebutted.

7. The argument of the learned counsel for the petitioner that the word used in the promotion order of the petitioner is “appointment”, hence, the same has to be related to the direct appointment of the petitioner.

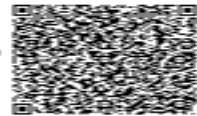
8. The said argument of the learned counsel for the petitioner is fallacious. The appointment can be by way of promotion as well as by the direct recruitment, hence, merely that the word “appointment” has been mentioned in the promotion order does not denote that the said appointment is by way of direct recruitment, hence, the interpretation of the same by the petitioner is incorrect and the same cannot be accepted.

9. At this stage, learned counsel for the petitioner submits that another similar situated employee, namely, Sardara Singh has also been granted the same benefit as is being claimed by the petitioner in the present petition.

10. The said contention has not been noticed or argued by the learned counsel for the petitioner before the Tribunal and nothing has come on record to show that the same was agitated. Even otherwise, in case, anybody has been granted the similar benefits against the rules, the same cannot be extended to the other ineligible person so as to perpetuate the illegality if so, already committed by the department.

11. No other arguments have been raised.

12. Keeping in view the totality of the facts and circumstances and as the similar issue raised in the present petition, has already been upheld upto this Court, that too contrary to the plea being raised by the petitioner, no ground is made out for any interference by this Court in the facts and



CWP-18256-2020 (O&M)

-4-

circumstances of the present case.

13. Accordingly, the writ petition is dismissed.

14. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

13.08.2025

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Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*