



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31512 of 2024

Sri Bhakta Batsal Rout

....

Petitioner

Mr. Nirmal Ranjan Routray, Advocate

-versus-

1. Union of India

....

2. Chief Post Master

General, Odisha

3. Director, Postal

Services, Bhubaneswar

4. Manager, Postal

Printing Press Cell, BBSR

Opp. Parties

Mr. P.K. Parhi, ASGI

CORAM:

HON'BLE MR. JUSTICE S.K. SAHOO

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

21.01.2025

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

This writ petition has been filed by the petitioner-Sri Bhakta Batsal Rout challenging the order dated 01.10.2024 passed by the learned Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 260/00479 of 2022.

The petitioner filed the Original Application seeking for a direction to the respondents to grant him 3rd financial upgradation to G.P. 4200 with effect from 01.09.2008 instead of 28.01.2017 in modification of the order dated 15.05.2020. The learned Tribunal in the impugned order has been pleased to hold that the petitioner got two promotions prior to the coming into force of MACP scheme with effect from 01.09.2008 and therefore he was rightly allowed 3rd MACP after completion of 30 years from his initial date of joining. Therefore there was no illegality in the order passed by the respondents.

The learned counsel for the petitioner drew the attention of this Court to Clause No. 28 (B) of O.M. dated 18.09.2009 which reads as follows:

“(B) If a Government servant (LDC) in PB-I in the Grade Pay of Rs.1900 is granted 1st financial upgradation under the MACPS on completion of 10 years of service in the PB-I in the Grade Pay of Rs.2000 and 5 years later he gets 1st regular promotion (UDC) in PB-1 in the Grade Pay of Rs.2400, the 2nd financial upgradation under MACPS (in the next Grade Pay w.r.t. Grade Pay held by Government servant) will be granted on completion of 20 years of service in PB-I in the Grade Pay of Rs.2800. On completion of 30 years of service, he will get 3rd MACP in the Grade Pay of Rs. 4200. However, if two promotions are earned before completion of 20 years, only 3rd financial upgradation would be admissible on completion of 10 years of service in Grade Pay from the date 2nd promotion or at 30th year of service, whichever is earlier.”

Learned counsel for the petitioner submits that the petitioner entered into service in the year 1987 and he got the first promotion on 26.07.1993 and the second promotion on 05.10.1996 and thus by 05.10.2006, he has completed 10 years service in the second promotional post. However since the 3rd MACP scheme, came into force with effect from 01.09.2008, therefore the petitioner should have been given 3rd MACP with effect from that date in view of the Clause 28 (B) of O.M. dated 18.09.2009. He further submits that it is very clear that a Government servant has to get 3rd MACP on the completion of 10 years of service in Grade Pay from the date second promotion or at 30th year of service whichever is earlier. Therefore, the learned Tribunal has erred in denying relief to the petitioner.

Issue notice on the question of admission indicating therein that the matter shall be disposed of at the stage of admission.

Learned counsel for the Union of India accepts notice on behalf of the opposite parties. Extra copies of the writ petition be served on the learned counsel for the Union of India.

The matter be placed four weeks after and counter affidavit, if any, be filed in the meanwhile.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge

(Savitri Ratho)
Judge

puspa/sukanta