No. 4-7/MACPS/2019-PCC
Government of India
Ministry of Communications
Department of Posts

Dak Bhawan, Sansad Marg,
New Delhi – 110001
Date : 29.09.2021

To

1. All Chief Postmasters General / Postmasters General
2. Chief General Manager, Parcel /BD / PLI Directorate / CEPT.
3. Director, RAKNPA / Directors of All PTCs
4. Addl. Director General, Army Postal Service, R.K.Puram, New Delhi
5. All General Managers (Finance) / Directors Postal Accounts

Sub: Clarification on Modified Assured Career Progression (MACP) Scheme - reg.

Sir / Madam,

This refers to various references/representations seeking the benefit of financial upgradation under MACP Scheme by treating promotion earned through limited departmental competitive examination (LDCE) at par Direct Recruitment in terms of Hon'ble Supreme Court Judgment dated 16.08.2016 in Special Leave Petition to Appeal (C) No. 4848/2016 in the case of D. Sivakumar.

2. In this regard, it is informed that Hon'ble Supreme Court had **left the question of law open** in D.Shivakumar case hence; the Hon'ble Apex Court has not decided the issue on merit. Therefore, there is no question of any binding precedent laid down by the Supreme Court.

3. Further, since the **question of law** on the issue **as to whether the promotion earned through Limited Departmental Competitive Examination (LDCE) is to be treated at par Direct Recruits or otherwise**, is still under consideration before Hon'ble Supreme Court in various similar tagged cases vis CA 4432/2019 Union of India Vs E. Sreeramulu, SLP (C) No. 023649/2019 Union of India Vs. K.Ranganatha Pillai, S.L.P. (Civil) No. 26561 of 2019 Kharati Lal & Others Vs UOI and SLP (C) No. 11997/2019 Dev Karan Mahala Vs UOI etc., the similar cases are to be defended on their merits on the basis of grounds provided vide this Directorate letter No. 15.11.2019.

4. As such, each and every case must be dealt on its merits as per the instructions of MACP Scheme. However, in order to make a better understanding on the issue vis-à-vis clarification issued vide this Directorate OM of even No. dated **06.09.2021**, the following symbolic illustrations are mentioned below:-

i. If a Central Govt. employee, who was appointed (direct entry) as Postman, earns regular promotion to the post Postal Assistant (through LDCE), granted TBOP and then earns another promotion to Inspector Posts cadre (through LDCE), **no** financial upgradation under MACP Scheme shall be admissible to him/her. The modalities for financial upgradation and pay fixation thereon shall be as follows:-

Event	W.e.f.	Pay Scale	Remarks
Postman	01.01.1989	825-1200	Entry Grade.
Postal Assistant	01.01.1992	4000-6000	Regular promotion **through LDCE**. Pay fixation under FR-22(I)(a)(1). Reckoned as **1st offset MACP**
TBOP	01.01.2008	GP Rs.2800	Pay fixation as per FR-22(I)(a)(1). Reckoned as **2nd offset MACP.**
Inspector Posts	01.01.2009	GP Rs.4600	Regular promotion **through LDCE**. Pay fixation under FR-22(I)(a)(1). Reckoned as **3rd offset MACP.**

Contd...

ii. If a Central Govt. employee, who was appointed (direct entry) as MTS, earns three regular promotions to the posts vis 1st Lower Division Clerk (LDC), 2nd Junior Accountant, 3rd Senior Accountant in Postal Accounts Offices before completion of 30 years of service from direct entry grade, no financial upgradation under MACP Scheme shall be admissible to him/her. The modalities for financial upgradation and pay fixation thereon shall be as follows:-

Event	w.e.f.	Pay Scale	Remarks
MTS /Sorter	01.01.1987	825-1200	Entry Grade.
LDC	01.01.1996	3050-4590	Regular promotion through LDCE. Pay fixation under FR-22(I)(a)(1). Reckoned as **1st offset MACP.**
Jr. Accountant	01.01.2006	GP Rs.2800	Regular promotion through LDCE. Pay fixation under FR-22(I)(a)(1). Reckoned as **2nd offset MACP.**
Sr. Accountant	01.01.2010	GP Rs.4200	Regular promotion. Pay fixation under FR-22(I)(a)(1). Reckoned as **3rd offset MACP.**

5. Further, the competent authority has advised to all administrative units to ensure timely review and disposal, thereon, of all the pending representations/cases on the issue in the light of this clarification as well as that of issued vide this Directorate OM of even No. dated 06.09.2021. A line of compliance may also be appraised to this Directorate.

6. It is therefore, requested to bring this clarification to the notice of all concerned immediately and ensure strict adherence in true spirit.

Yours faithfully,

29/09/21

(D.K.Tripathi)
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