

No. 2-29/2026-PCC
Government of India
Ministry of Communications
Department of Posts

Dak Bhawan, Sansad Marg,
New Delhi-I 10001
Date: 01.07.2026

To,
Chief Postmaster General
Delhi Circle, Delhi- 110 001.

Subject: OA No. 288/2026 filed by Shri Suresh Kumar Sharma before the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi, seeking grant of financial upgradation under the MACP Scheme by treating appointment to the post of Postal Assistant through LDCE as the direct entry grade – reg.

Sir/Madam,

I am directed to refer to your office email dated 30.06.2026 on the subject cited above and to state that the matter has been examined. It has been observed that:

i. the applicant was initially appointed as Group 'D' (now MTS) and was promoted to the post of Postal Assistant through LDCE followed by grant of financial upgradation under the TBOP Scheme, which were adjusted against the 1st and 2nd financial upgradations under the MACP Scheme by reckoning his qualifying service from the direct entry grade of MTS. He was subsequently granted the 3rd financial upgradation under the MACP Scheme. Thus, the applicant has already availed three financial upgradations from his entry grade of Group 'D' (now MTS), as envisaged under the MACP Scheme, and is therefore not entitled to any further financial upgradation thereunder.

ii. As per the Recruitment Rules (RRs) of Postal/Sorting Assistant cadre, 1971 under which the applicant was promoted to Postal Assistant Cadre, provides mode of recruitment/appointment in the following ratio: -

- a) 50% by promotion
- b) 50% by Direct Recruitment.

iii. The applicant had appeared in the Limited Departmental Competitive Examination (LDCE) for Postal Assistant based on the eligibility conditions prescribed for MTS Cadre officials (Lower Grade Officials) and that of against the vacancies meant for 50% departmental promotion quota for that category of officials and not against the vacancy meant for Direct Recruitment. Therefore, there may be no reason to take his direct entry in the service on the post of Postal Assistant.

iv. The MACP Scheme is envisaged as a 'Safety Net' to deal with the problem of genuine stagnation and hardship faced by the employees due to lack of adequate promotional avenues. There shall be three financial up-gradations under the MACPS, counted from the direct entry grade on completion of 10, 20 and 30-years' service respectively. Financial upgradation under the Scheme will be admissible whenever a person has spent 10 years continuously in the same grade pay/pay level. As such, the promotion earned by the petitioners to the post of Postal Assistant would be counted for the purpose of financial upgradation under MACP Scheme since they also got financial upgradation in higher Grade Pay with

pay fixation benefit under Fundamental Rule-22(I)(a)(1) on this promotion. If financial upgradation is granted by ignoring the promotion or by treating the promotion at par with direct recruitment entry, there will be granted even more than three financial upgradations under MACP Scheme as against the admissible 03 financial upgradations under the Scheme. This, resultantly, will lead to huge recurring financial implications on Govt. exchequer.

v. The Department's consistent stand is that appointment through LDCE against the promotional quota constitutes a promotion and not direct recruitment, as evident from the applicable Recruitment Rules and clarifications received from nodal Department, DoPT. Accordingly, such appointment on promotion is counted for the purpose of financial up-gradation under ACP/MACP schemes.

vi. As per RRs, age and educational qualification prescribed for direct recruits will not be apply in case of promotion and since the applicants was not recruited against the post earmarked for direct recruitment and passed LDCE for which he had availed relaxation in the age and qualification. Therefore, they cannot be treated on par with Direct Recruitment.

vii. Limited Departmental Competitive Examination is an internal policy for promotion of departmental candidates in accordance with the respective RRs. As per RRs relevant to the post, LDCE is the fast track promotion for the career progression for the departmental officials. If the promotion earned through LDCE is treated at par with Direct Recruitment, it will open the floodgates for similar requests and will be gross violation of statutory Recruitment Rules which are framed under the proviso of Article 309 of Constitution of India. It will not only affect the service condition of D/o Posts but also entire Central Government.

viii. Although the Hon'ble Supreme Court, vide its order dated 24.02.2026, dismissed the Department's Special Leave Petitions in similar matters, it expressly kept the question of law open. Consequently, the Department's policy continues to hold the field, and similar cases are required to be contested on merits in the light of the following legal precedents, which have attained finality:

- a. Hon'ble High Court of Judicature at Madras vide its judgment dated 06.06.2022 passed in tagged Writ Petitions, on similar issue wherein the judgments as referred above were relied upon, bearing No.16818, 27455, 27677, 28860, 28985, 29265, 13963, 3501, 4992, 29272, 34266, 34268, 30111, 34301, 1745, 2014, 3195, 3196, 31272, 31643, 31644, 31897, 32130 of 2017, 88 of 2018 and 5294 of 2016 has appreciated the relevant recruitment Rules and accordingly, has held that:

"27.....their contention that the appointment of the petitioners to the post of Postal Assistants is only Direct Recruitment. We have gone through those judgments and with great respects we find that in the cases cited by the learned counsel for the petitioners, the Recruitment Rules in question were neither referred to nor discussed. We have elaborately discussed the Recruitment Rules and also the law laid down by the Hon'ble Supreme Court and therefore we are not inclined to accept the submission of the learned counsel for the petitioners in this regard.

29. In view of the above facts and circumstances and the law, we are of the view that the writ petitioners having availed the promotion to the post of Postal Assistant from the lower post of Postman and Gr.-D, are not entitled to the grant of financial up-gradation under

MACPS."

b. In a similar matter, the Hon'ble High Court of Judicature at Patna, vide its judgment dated 11.09.2024 passed in Civil Writ Jurisdiction Case No. 14510 of 2021, held that appointment through the Limited Departmental Competitive Examination (LDCE) constitutes a promotion in terms of the applicable Recruitment Rules. The relevant observations of the Hon'ble High Court are reproduced below:

"6. Core issue involved in the present lis is whether the respondent was directly recruited to the post of Postal Assistant or he was promoted.

7. Perusal of the record, it is evident that he was promoted to the post of Postal Assistant and not by direct recruitment as is evident from Rules 1990 (cited supra) read with the fact that he had participated in the process of promotion. He had appeared for the promotional examination and he was declared successful and posted as Postal Assistant."

2. It is, therefore, advised to defend the Department's stand by filing a detailed counter affidavit, in consultation with the Government Counsel, based on the above legal and factual position.

This issues with the approval of the Competent Authority.

Encl : (As above)

Yours faithfully,

Digitally signed by
Prahalad Ray Meel
Date: 01-07-2026
16:24:49

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