

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 2783 of 2002

New Delhi, this the 30th day of April, 2003

HON<sup>BLE</sup> MR. KULDIP SINGH, MEMBER (JUOL)

- 1.. Shri Babu Ram S/o Shri Gheesa Ram
  - 2.. Shri Madan Mohan S/o Shri Nathi Ram
  - 3.. Shri Devi RAM Bhardwaj S/o Sh. Ram  
Diya Bhardwaj
  - 4.. Shri Surya Bali S/o Sh. Dal Singer
  - 5.. Shri Braham Prakash S/o Sh. Mohan Lal
  - 6.. SHri Bhanu Das S/o Dip Chand
  - 7.. Shri Nand Kumar Pal S/o Jai Karan Pal
  - 8.. Shri Virender Kumar S/o Sh. Chatter Singh
  - 9.. Shri Ashok Kumar S/o Sh. Jagdish Lal
  - 10.. Shri N.K. Sharma S/o Sh. Bhagmal Sharma
- APPLICANTS

(By Advocate: Shri Sant Lal)

Versus

- 1.. The Union of India through the  
Secretary,  
Ministry of Communications,  
Department of Posts,  
Dak Bhawan,  
New Delhi-110001..
  - 2.. The Chief Postmaster General,  
Delhi Circle,  
Meghdoot Bhawan,  
New Delhi-110001..
  - 3.. The Chief Postmaster, New Delhi,  
G.P.O.,  
New Delhi-110001..
- RESPONDENTS

(By Advocate: Shri R.P. Aggarwal)

O R D E R (ORAL)

By Hon<sup>ble</sup> Mr. Kuldip Singh, Member (Judl)

The applicants in this case have impugned orders Annexure A-1 vide which the respondents have started to recover the amount indicated against each official of this office in the enclosed Annexure as





pointed out by the Audit Inspection Party on account of irregular grant of incentive paid to the staff working on BNPL during the period from 1/99 to 1/2001.

2. The facts in brief, as alleged by the applicants are, that they are working as Postman under the Chief Post Master General Delhi Circle, New Delhi. The respondents had introduced a scheme for accepting the speed post articles and one of the clause of the Scheme is to provide an incentive @ 50 paisa per article which would be paid to the officials who are detailed to book speed post articles in such centres where no separate counter has been provided for booking of speed post articles and such officials are asked to book speed post articles in addition to the normal allotted counter duties. The applicants, who had been in addition to their normal duties had been booking speed post articles as there was no special counters in the branch of the post office where the applicants were working so they were paid incentives. Subsequent to that an Audit Inspection Party seems to have audited the accounts and found that the applicant have been paid in excess of the amounts so the respondents had issued order making recovery which would be effected from the salary of the employees.

3. The applicants have assailed the same submitting that the recovery of the pay is a minor penalty under Rule 11 of the CCS (CCA) Rules, 1965 and this cannot be imposed without following the procedure prescribed under Rule 16 of the rules.


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4.. It was also stated that the impugned order is also violative of the principles of nature justice.

5.. Besides that it is also pleaded that the incentive money had been paid to the applicants in accordance with the Standing Instructions after necessary verification and sanction by the competent authority without full justification thereof. It is also pleaded that the competent authority should have given suitable reply to the objections raised by the Audit Party instead of issuing the impugned order, so the same is liable to be quashed.

6.. The OA is being contested by the respondents. The respondents in their reply pleaded that though an incentive @ 50 paise per article would be paid to the officials detailed to pick up Speed Post articles from the premises of Customers either on daily basis or specified days subject to a maximum amount of Rs.5/- per customer's premises.

7.. The respondents also pleaded that as per the Scheme of 1990 an incentive @ 50 paise per article would be paid to official who is detailed to book speed post articles in such centres where no separate counter has been provided for booking of speed post articles and such officials are asked to book speed post articles in addition to their normal allotted counter-duties.



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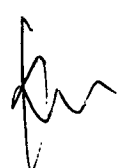
8. It is further submitted that certain amendments were made to this scheme and it was clarified vide order dated 22.10.2002 that the incentive admissible to the staff of New Delhi H.O. would be restrictive to Rs.5/- per customer when the articles booked are more than 10 and if the articles are less than 10 then the incentive should be paid at the rate of 50 paisa. In case the official was handling speed post articles in addition to his own duties and @ 75 paisa per article should be paid to the officials deployed for booking of speed post article at the exclusive counters over and above the level specified for the stations.

9. It is further stated that the applicants have claimed and drawing incentive from January, 1999 to January, 2001 as per Annexure R-4, details of which is given in the counter-affidavit.

10. It is further submitted that as per the Audit Objection as per Annexure R-5 the respondents are bound to recover the amount from the applicants since the applicants have been paid at the higher rates at 50 Paisa per article and even in those cases where mail has been booked through one customer he should have been paid Rs.5 per article.

11. I have heard the learned counsel for the parties and gone through the records of the case.

12. On going through the Scheme as annexed along with the OA paragraph 2 of which has been referred to above would go to show that though an incentive @ 50



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Paiza per article will be paid to the officials detailed to pick up Speed Post articles from the premises of customers either on daily basis or specified days subject to a maximum of Rs.5/- per customer premises meaning thereby that a person who is detailed to pick up Speed Post articles was to be paid at 50 paiza per customer and when a customer has booked more than 10 articles then an incentive was to be restricted to Rs.5/- only per customer if the articles booked are more than 10. But this restriction of Rs.5/- is not seen in paragraph 2 when the officials who are detailed to book Speed Post Articles in such centre where no separate counters has been provided. Similarly there is no restriction of Rs.5 per customers in case of officials deployed for delivery of Speed Post Articles and if articles are booked under special incentive, then there is a maximum limit of Rs.5 per customer. But there does not appear to be any restriction of Rs.5 for those officials who are detailed to book where no separate counter has been provided and such incentive is allowed to officials who were asked to book in addition to their normal allotted duties.

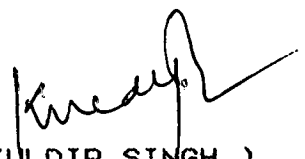
13. It appears that on the basis of this the department had been making payment of incentive to the applicants who were performing the additional duties of booking of speed post articles in addition to their normal duties without any restriction of per customer and that is why in para 4.5 of the counter affidavit it has been mentioned that w.e.f. February, 2001 incentive is being paid at prescribed rates in accordance with the Memo dated 28.5.2001 and no restriction was there though the respondents say it is a clarification but the same



has not been placed on record and moreover even this clarification had been issued on 28.5.2001 and the applicants have been paid for the period January, 1999 to January, 2001, i.e., prior to the clarification.

14. Hence I find that the recoveries sought to be effective from the applicants are not in accordance with the scheme as there is no restriction of Rs.5/- per customer marked and it has been specified in the scheme itself that if the officials are detailed to book speed post articles when there are no separate counters for booking speed post then they will be entitled to an incentive.

15. In view of the above, I find that the OA has to be allowed since the impugned orders had been passed by the respondents without any ground and the same cannot be sustained. Accordingly the OA is allowed and the impugned orders are quashed. No costs.

  
( KULDIP SINGH )  
MEMBER (JUOL)

Rakesh