

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.20/816/2014

Hyderabad, this the 31st day of January, 2020



***Hon'ble Mr. Justice L Narasimha Reddy, Chairman
Hon'ble Mr. B.V. Sudhakar, Member (Admn.)***

1. R. Padmavathi, W/o. V. Durga Prasad,
Age about 53 years, GDS Packer,
Durgapuram SO.
2. P. Krishna Kumari, W/o. late Sri P.S. Nageswara Rao,
Age about 53 years, GDS Packer,
Gannavaram SO.
3. T. Satya Kumari, W/o. P.V. Srihari Rao,
Age about 62 years, GDS Mail Career/ Mail Deliverer,
Edulagudam BO, a/w. Aukiripalli SO.

... Applicants

(By Advocate Mr. M. Venkanna)

Vs.

1. Union of India, Represented by
The Secretary, Government of India,
Ministry of Communication & IT,
Department of Posts – India,
Dak Bhavan, Sansad Marg,
New Delhi – 110 001.
2. The Chief Postmaster General,
A.P. Circle, Dak Sadan,
Abids, Hyderabad – 500 001.
3. The Senior Superintendent of Post Offices,
Vijayawada Division,
Vijayawada – 520 001.

... Respondents

(By Advocate Mrs. K. Rajitha, Sr. CGSC)

ORDER (ORAL)
{As per Hon'ble Mr. Justice L. Narasimha Reddy, Chairman}



The applicants were working as Grameena Dak Sevak Stamp Vendors in the Vijayawada Region of the Department of Posts and Telegraph. On 26.09.2012, Senior Superintendent of Post Offices, Vijayawada Division passed an order abolishing the posts of that nature at 6 places within his jurisdiction. The applicants were holding some of those posts. On the next day, the Senior Superintendent of Post Offices passed an order posting the applicants as GDS Packer/ GDS MC/MD at various posts. The applicants were earlier paid emoluments, which are attached to the posts of Stamp Vendors. At a subsequent stage i.e. after about 15 months, respondents issued proceedings indicating the emoluments payable to the applicants, which are comparatively at a lower level and directed recovery. This OA is filed seeking a direction to the respondents to protect the Time Related Continuity Allowance (TRCA) of the applicants, which was payable to them, prior to redeployment and to extend them the benefit of arrears.

2. The applicants contend that once they were drawing a particular pay scale in the post of GDS Stamp Vendor, they were entitled to draw the same emoluments on being redeployed also. It is stated that reduction of salary would amount to penal step and there was absolutely no basis for the respondents in reducing the emoluments and proposing to recover the difference amount.

3. The respondents filed a counter affidavit dealing with various contentions. It is stated that whenever a post is abolished, the incumbent is required to be kept on waiting for a period of one year and in case, no suitable vacancy is available during that period, his engagement shall stand terminated. It is also stated that, if an employee makes a request, feasibility of posting him to any other vacancy can be considered, irrespective of the emoluments attached to the post. According to the respondents, the applicants themselves made a request for immediate posting, knowing fully well that the emoluments for such posts are slightly lesser and that, they cannot take exception, at this stage.



4. We heard Mr. ABLN Pavan Kumar, learned proxy counsel for Mr. M. Venkanna, learned counsel for the applicants and Mrs. K. Rajitha, learned Senior Central Govt. Standing Counsel.

5. It is not in dispute that the applicants were holding the post of Stamp Vendor till 26.09.2012. As many as 6 posts of that nature in the Vijayawada Region were abolished. Naturally, the applicants were rendered surplus. Instead of keeping them on waiting for suitable posts, they were appointed as GDS Packer/ GDS MC. For a period of 15 months, the applicants were paid the salary attached to the post of Stamp Vendor. The respondents realized that the salary for GDS Packer is somewhat less. Therefore, the pay structure was revised and difference amount was sought to be recovered.

6. Since the applicants did not make any misrepresentation to the respondents, recovery of the so called excess amount cannot be permitted.

The respondents paid the salary on their own accord and if, at a later point of time, it was to be revised, the recovery becomes impermissible.



7. So far as the claim for continuing the same emoluments is concerned, we have carefully examined the Scheme explained by the respondents in their counter affidavit. In cases of this nature, the employees are required to be kept on waiting for one year and if no vacancy becomes available within that period, they are to be simply retrenched. Another alternative is to permit the employees to join other available posts. The second option was extended to the applicants. They did not raise any objection when such posting was given. Even now, if the applicants are of the view that they cannot be made to work against the posts of GDS Packer, contrary to their will, the alternative would be to keep them in waiting for a period of one year and to take further steps, depending upon the availability or non-availability of the vacancies. When the same is indicated, learned counsel for the applicants stated that his clients preferred to remain in present posts.

8. We therefore, dispose of the OA, confirming the steps taken by the respondents, but setting aside the order directing recovery of the amount from the applicants.

9. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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