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In the Central Administrative Tribunal
Principal Bench: New Delhi

OA No.587/87

Date of decision: 05.03.1993.

Shri N.R. Kashyap & Others

...Petitioners

Versus

Director General, Post and
Telegraph Department, Dak
Tar Bhawan, New Delhi

...Respondent

Coram:-

The Hon'ble Mr. I.K. Rasgotra, Member (A)

The Hon'ble Mr. B.S. Hegde, Member (J)

For the petitioners

Shri D.R. Gupta, Counsel.

For the respondent

Shri P.P. Khurana, Counsel.

Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra, Member (A))

S/Shri N.R. Kashyap, Kuldeep Singh, Madan Lal, Badri Prashad, R.P. Singh and Jai Singh have filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985, praying that they should not be reverted from the post of Scooter Despatch Riders (SDR for short) and that they should be confirmed in the said posts. The case of the petitioners briefly is that the respondents introduced SDR scheme on experimental basis in 1973 and invited applications for recruitment of Despatch Riders in the scale of Rs.110-139 (Second Pay Commission) for selecting 10 suitable candidates. The petitioners applied for the said posts and all the six petitioners alongwith four others were selected for the said posts. According ^{to} the appointment letter dated 14.2.1973 they were appointed on the recommendations of the Departmental Promotion Committee (DPC) as purely temporary Despatch Riders (Scooter Despatch Riders) in CTO New Delhi w.e.f. 15.2.73. It was also made clear to them that these posts of Despatch Riders are on purely

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experimental basis for a period of one year. The scheme, however, was continued by extending it from time to time. The Scooter Despatch Riders so selected were to be given a Scooter by the respondents which would become their personal property after the machine had covered 50,000/- kilometers on official duties or after 4 years of use whichever is later. The Scooter was to be maintained by the petitioners including the expenditure incurred on petrol and oil in running the machine. For this purpose they were to be paid at the rate of 8.5 paise per message. The scheme, however, according to the counter-affidavit filed by the respondents is no more current. The case of the petitioners is that having continued for over 20 years as Scooter Despatch Riders, they are being threatened that they would be reverted to Group 'D' posts from where they were promoted. Their present scale of pay as Scooter Despatch Rider is Rs.950-1400. Apprehending their reversion they approached the Tribunal and secured an interim order, according to which the respondents were directed to maintain status quo in so far as the continuance of the petitioners in the present posts was concerned. The petitioners have since continued to work as Scooter Despatch Riders.

2. The learned counsel for the respondents Shri P.P. Khurana brought to our notice a copy of the letter dated 6.4.1976, according to which the scheme of Scooter service is to continue only upto the time the present despatch riders acquire ownership of Scooters or get promoted to higher posts or leave the jobs due to other causes. This sanction will lapse in the event of any of these stipulations being met earlier. The

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learned counsel, therefore, stated that the petitioners shall not be reverted till they get promoted to higher posts or leave the service for any other reason. The condition of ownership of the scooter will not affect their status, as they have continued as SDR, even after that event took place. The main relief prayed for by the petitioner is fully covered by the assurance contained in the letter dated 6.4.1976 and as reiterated by the learned counsel for the respondents.

3. Shri D.R. Gupta, learned counsel for the petitioners, however, submitted that the grievance of the petitioners will continue to subsist until the respondents revise the rate of 8.5 paise per message which was fixed for them in 1973. Although the petitioners are continuing to do the work assigned to them and operating the Scooters, the costs of running the Scooter have gone up phenominally since 1973. The respondents, however, have not revised the rate per message fixed in 1973. The learned counsel for the respondents, however, submitted that there are no pleadings seeking revision of rate per message and, therefore, the petitioners cannot seek relief beyond the pleadings contained in the O.A.

4. We have heard the learned counsel for both the parties and considered the matter carefully. Since there is no proposal to revert the petitioners from their present posts, their grievance regarding continuance as Scooter Despatch Rider no longer subsists. There is an assurance contained in the respondents letter dated 6.4.1976 to that effect. The same assurance has been reiterated by the learned counsel for the respondents. As adverted to earlier, the ownership of the Scooter shall not affect their status as SDR, they should have no apprehension on this account. As far as the revision of the rate per message is concerned, there is no dispute that there is no pleading in that

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behalf. There is, however, a representation placed on the record by the petitioners dated 26.12.1986, addressed to Director General, Telecommunications, requesting for revision of incentive rate per message delivery. According to the petitioners no reply was received to this representation. They, however, persisted with the representations both directly and through the Bhartiya Telegraph Traffic Employees Union Group 'D'. The learned counsel showed us a copy of the reply dated 3.5.1988 in which the respondents had stated that the matter was being looked into. A similar letter was received from the respondents on 4.2.1993.

5. Although there are no pleadings regarding revision of incentive rate in the O.A. yet the petitioners have annexed copies of their representations with the O.A. in this regard. It would, therefore, fair and just if the respondents consider the representations made by the petitioners which are being "looked into" seeking revision of incentive money to enable them to maintain and run the Scooter in proper condition. This will improve the efficiency of the organisation. Since the first representation, which is on record, was filed on 26.12.1986, the respondents would do well to consider revision of the rate of incentive money from the date of the representation. We direct that a decision in this behalf shall be taken by the respondents with utmost expedition and preferably within two months from the date of communication of this order and communicated to the petitioners. Payment of arrears, as due, consequent to the decision taken, as above, shall be made to the petitioners within one month from that date.

6. The O.A. is disposed of, as above, No costs.


(B.S. HEGDE)
Member(J)


(I.K. RASGOTRA)
Member(A)