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(110)

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH CUTTACK

Original Application No. 274 of 1992

Date of Decision: 1.2.1994

Madan Mohan Nayak

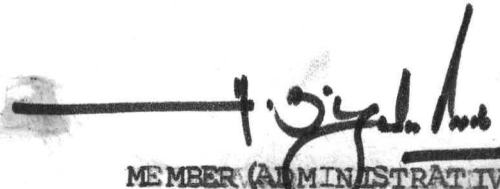
Applicant(s)

Versus

Union of India & Others Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? No.
2. Whether it be circulated to all the Benches of the No.
Central Administrative Tribunals or not ?


MEMBER (ADMINISTRATIVE)

01 FEB 94

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Applicant

Versus

Union of India & Others

Respondents

For the applicant

M/s.B.K.Beura,
S.Sethi
A.C.Badu,
Advocates

For the respondent Nos. 1 to 4

Mr.Ashok Mishra,
Sr.Standing Counsel
(Central)

For the respondent Nos.5 and 6

Mr.P.N.Mohapatra,
Addl.Standing Counsel
(Central)

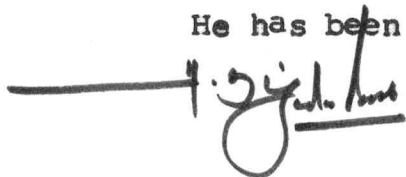
C O R A M:

THE HONOURABLE MR.H.RAJENDRA PRASAD, MEMBER (ADMN)

JUDGMENT

MR.H.RAJENDRA PRASAD, MEMBER (ADMN): In this application, Shri Madan Mohan Nayak, Signaller, H.S.G.-II, Cuttack GPO, prays for a direction to be issued to the respondents to pay him the difference in the rates of bonus between the employees of the Postal Department and those of Telecom Department from 1985-86, on the ground that he had been performing signalling duties which, according to him, are "under the control" of Telecommunications Department.

2. Shri M.M.Nayak was recruited as Postal Assistant, trained as postal signaller to handle the telegraph branch in combined post offices viz., post offices which offer to the public postal as well as telegraph facilities. He has been performing the duties of a signaller as and



when required, since the training. His contention is that telegraphy is a function which is exclusively 'under the control' of the Telecommunications Department, and to that extent, he is entitled to the rates of bonus applicable to the staff of the latter department. He bases his claim largely on a letter issued by the Department of Telecommunications in respect of bonus payable to the officials of P&T Civil Wing, a combined cadre serving both the departments in the Ministry of Communications.

3. The respondents in their counter submit that the applicant was recruited in the Postal Wing in the erstwhile P&T Department, that he was merely trained as a Signaller to equip and enable him to receive and transmit telegraph messages in combined post offices, that he was always, and continues to be, a postal employee entitled of all benefits that are normally extended to the postal staff. They point out that the job of a signaller in the combined post office is a composite job comprising postal & telegraph tasks and that it is illogical for the employee of one department to claim payments and privileges that are admissible and available to the employees of an entirely different department. They submit that the application is, therefore, devoid of all merit and deserves to be disallowed.

4. On a careful consideration of the facts, we are of opinion that the application is misconceived on the following grounds :

- 1) After their bifurcation, the postal Telecommunications Wings of the earlier P&T are entirely different and independent entities.

— 1. Singh —

Consequently, the recruitment, channels of promotion as well as the nature of deployment are totally different from one another. For over a century, post offices have offered the facility of telegraphy to the public, rendered by postal officials after having been imparted certain training in handling the work of transmission and basic maintenance of telegraph equipment. The system continues even to-day. The personnel in a combined offices are nevertheless postal staff.

- ii) It is incorrect to assert that the work of telegraph branch in a post office is 'under the control' of Telecommunications.
- iii) Each department calculates and announces the bonus according to a formula which is linked to the productivity within the department. It is important to note that the bonus is called PLB., - Productivity Linked Bonus. It is illogical to expect one department to extend the benefit of bonus on par with the employees of some other department over-looking the aspect of productivity within own department.
- iv) As regards letter No.6-16/86-CSE (273) dated 16.1.87 issued by the Department of Telecommunications (Annexure-1 to the application) the same is seen to pertain to the Civil Wing Staff which is a common cadre serving both both postal and telecommunications department, and of which the Cadre Controlling Authority is the Tele-communications Department. In the instant case, however, the postal signallers are neither a separate cadre of officials nor a joint or combined cadre between the two departments; nor is their control vested in any authority outside the department of posts. The annexure under reference is wholly irrelevant and inapplicable to the facts of the present case because the postal signallers are in reality none other than postal assistants, nor are they performing any combined work of the Telecom and Postal Department as is the case with the Civil Wing personnel.

In the light of the above facts, there is no merit in the application and is, therefore, disallowed. No costs.

MEMBER (ADMINISTRATIVE)

Central Administrative Tribunal 01 FEB 94
Cuttack Bench, Cuttack
dated 1.2.1994/ B.K. Sahoo