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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH;CUTTACK.

ORIGINAL APPLICATION NO. 789 OF 1994.

Cuttack, this the 7th day of November, 2000.

Shri Harekrushna Swain.

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Applicant.

Vrs

Union of India and others.

....

Respondents.

FOR INSTRUCTIONS

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

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

7

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH;CUTTACK.

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ORIGINAL APPLICATION NO. 789 OF 1994.
Cuttack, this the 7th day of November, 2000.

CORAM;

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

Shri Harekrushna Swain, Aged about 37 years,
Son of Late Mathuri Swain at present working
as ED Packer, Onukudili SO under Jeypore (Koraput),
Sub Division, Dist. Koraput.

; Applicant.

By legal practitioner :M/s. R. N Naik, A. Deo, B. S. Tripathy,
P. Panda, P. K. Mishra, Advocates.

-Versus-

1. Union of India represented by its Secretary,
Department of Posts, Ministry of Communication,
Dak Bhawan, New Delhi.
2. Chief Postmaster General,
Orissa Circle, Bhubaneswar,
Dist; Khurda.
3. Senior Superintendent of Post Offices,
Jeypore (Koraput) Division, Koraput.
4. Sub Divisional Inspector (Postal),
Jeypore (K) Sub Division, Koraput.

; Respondents.

By legal practitioner; Mr. J. K. Nayak, Additional Standing Counsel.

J. Som.
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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application, the applicant has prayed for a direction to the Respondents to revise his scale of pay. The second prayer is for a direction to regularise his services from 14-7-1993 to 27-7-1993 for all purposes. On the date of admission of the Original Application on 18-1-1995, it was submitted by Mr. B. S. Tripathy learned counsel for the applicant that he restricts his prayer only to revision of his allowance and does not want to press the prayer for regularisation of his service between 14-7-1993 to 27-7-93. Applicant's case is that illegally his allowances are reduced from Rs. 420/- to Rs. 370/- w.e.f. 1-4-1988. He has filed many representations to get his allowances as he was getting i.e. Rs. 420/- p.m. but without any result and that is why he has come up in this Original Application with the prayers referred to earlier.

2. Respondents have filed counter opposing the prayers of the applicant. It is not necessary to refer to the averments made by the Respondents in their counter with regard to this prayer of the applicant because these will be referred to while considering the submissions made by the learned Additional Standing Counsel. In this 1994 matter learned counsel for the applicant and his associates were absent. No request was also made on their behalf seeking adjournment. Counter had been filed and served on the other side, in this case in March, 1995. In view of this, it was not possible to drag on the matter indefinitely. We have, therefore, heard Mr. J. K. Naik, learned Additional Standing Counsel (Central) and have also perused the records.

3. From the above, it is clear that the only point for consideration in this case is whether the reduction of the applicant's allowance from Rs.420/- to Rs.370/- p.m. w.e.f. 1-4-1988 has been rightly done and whether the applicant is entitled to have his allowance restored to the earlier level. From the counter of the Respondents, we find that the allowances of ED Agent are fixed on the basis of a circular dated 14--7-1988. This circular is at Annexure-R/2. It is necessary to note that the applicant during the relevant period was working as ED Packer. Respondents have mentioned in their counter that in accordance with this circular the workload of the applicant was assessed and his allowance has rightly been fixed at Rs.370/- p.m. From a perusal of this circular it appears that detailed instructions have been given in this regarding fixation of allowances for different categories of ED Agents. So far as the applicant is concerned, his case is covered under para 2.3 which is applicable to Extra Departmental Delivery Agents/EDMC and other ED Agents. In the circular it is provided that for less than two hours of work per day the allowances will be Rs.240/- p.m. and for more than two hours of work the minimum allowance of Rs.270/- and the maximum Rs.420/- p.m. It is further provided that the maximum allowance of Rs.420/- will be payable for five hours of work load. It is further provided that for more than two hours and less than five hours ED Agents will be paid pro rata on the basis of work load. Respondents have stated in para 5 of the counter that on the basis of the principles laid down in this circular and on calculation of the work load, his allowance has been rightly

S. Sum.

fixed at Rs.370/- per month. Even though the Respondents have not indicated as to what is the period of work load of the applicant each day, the submissions of the Respondents that the allowance has been fixed at Rs.370/- per month on the basis of the work load as calculated in pursuance of the circular at Annexure-R/2 has not been denied by the applicant by filing any rejoinder. We also note that the allowance of Rs.420/- per month claimed by the applicant is the maximum allowance of an ED Agent under rules. As the applicant has not urged any ground as to how fixation of Rs.370/- per month is irrational, we have no other option except to reject this prayer.

4. In the result, therefore, the OA is rejected. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
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KNM/CM.