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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO.550 OF 1998
Cuttack this the 19th day of June / 2002

Mohan Charan Nayak ... Applicant(s)

-VERSUS-

Union of India & Others ... Respondent(s)

(FOR INSTRUCTIONS)



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

Manoranjan Mohanty
(MANORANJAN MOHANTY)
MEMBER (JUDICIAL) 19/06/2002

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO.550 OF 1998
Cuttack this the 19th day of June / 2002

CORAM:

THE HON'BLE SHRI MANORANJAN MOHANTY, MEMBER (JUDICIAL)

...

Sri Mohan Charan Nayak, aged 46 yrs.,
S/o Late Dinabandhu Nayak, Vill/Baniapol,
PO/Dist-Kendrapara

...

Applicant

By the Advocates

Mr.P.K.Padhi

-VERSUS-

1. Union of India represented by it's Chief Post Master General (Orissa Circle), At/PO-Bhubaneswar, Dist-Khurda - 751 001
2. Superintendent of Post Offices, Cuttack North Division, At-P.K.Parija Marg, PO: Cuttack G.P.O., Dist-Cuttack - 753 001
3. Assistant Superintendent of Post Offices In Charge, Kendrapara Sub Division, At/PO/Dist-Kendrapara-754211

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Respondents

By the Advocates

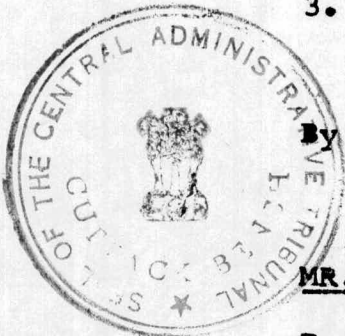
Mr.S.Behera, A.S.C.

O R D E R

MR.MANORANJAN MOHANTY, MEMBER (JUDICIAL): Heard Shri P.K. Padhi, Advocate for the Applicant and Shri S. Behera, Addl. Standing Counsel for the Respondents.

2. Non-payment of Cycle Maintenance Allowance to the Applicant, an E.D.Mail Carrier of the Postal Department is the subject matter of consideration in this Original Application. It is the case of the Respondents that because the Cycle Maintenance Allowance plus consolidated allowances to be paid to the Applicant are going to exceed the maximum consolidated allowances admissible to him and since he is getting a maximum consolidated allowance, the Cycle Maintenance Allowance is not being paid for the reason

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of restriction imposed in the P & T Directorate Letter No.48-23/61-PAP dated 10.2.1965. The Advocate for the Applicant has drawn my attention to Para-8 of Section VI of Swamy's Compilation of Service Rules for Postal E.D. Staff, which is extensively extracted hereunder:

"(8) Cycle Maintenance Allowance- ED Mail Carriers, ED Delivery Agents and E.D. Messengers who use private cycles for discharge of their duties are presently granted cycle maintenance allowance at the rate of Rs.8 per month subject to the conditions that -

- (1) they cover a distance of 10 km or more per day;
- (2) ED Messengers deliver eight messages or more per day; and
- (3) * * *

It has been decided that the above-mentioned categories of ED Agents using their own cycles for discharging their duties will henceforth be entitled to a cycle allowance of Rs.30/- per month without the restriction that the cycle allowance plus consolidated allowance should not exceed the maximum consolidated allowance admissible to the ED Agents, provided the conditions (1) and (2) mentioned above continue to be fulfilled. This is in partial modification of the orders issued in the P & T Directorate, Letter No. 48-23/61-PAP, dated 10.2.1965."

(D.G., P & T ND No.14-13/82-PAP dated the 1st May, 1982 D.G.Posts No.14-6/87-PAP dated the 15th July, 1987 and D.G., Posts No.14-9/94 PAP, dated the 21st March, 1996 - increased rate effective from 26.9.1993)

3. The Cycle Maintenance Allowance which was fixed a rate of Rs.8/- per month was increased to Rs.20/- w.e.f. 1.1.1986 and further enhanced to Rs.30/- w.e.f. 26.9.1993.

4. In the aforesaid premises, the Applicant, who is undisputedly covering the distance of more than 10 kms. per day and is delivering more than 8 messages per day, was/is entitled to Cycle Maintenance Allowance at the rate

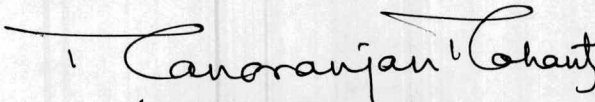


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Rs.20/- per month between 1.1.1986 and 26.9.1993 and at the rate of Rs.30/- per month thereafter; for the reason of the departmental instructions, as extracted above.

5. As a result, Respondents are directed to grant Cycle Maintenance Allowance in favour of the Applicant regularly and arrears thereof should be paid to him within a period of three months from the date of receipt of copies of this order.

With the aforesaid observations and directions, this Original Application is allowed. There shall, however, be no order as to costs.


(MANORANJAN MOHANTY)
MEMBER (JUDICIAL) 19/06/02

B.K.SAHO//

