

8

Order dated: 08-07-2006.

In nut-shell, the case of the Applicants are that they are working as Speed Men of Speed Post Wing under GPO, Bhubaneswar. In order dated 14-01-1998 (Annexure-1), they were asked to effect the delivery of Speed Post items in and around the Bhubaneswar City ; for which they will be entitled to Rs.1/- per KM. Thereafter, the above proposal was sent for approval of the competent Authority at New Delhi in letter dated 20-07-1998 (Annexure-2) by the Assistant Director (ML), O/O the Chief Postmaster General, Orissa Circle, Bhubaneswar. In Annexure-A/3 dated 23rd April, 2001, the Deputy General Manager, New Delhi intimated to all Heads of Circles that payment for delivering the Speed Post Articles shall be governed as per SR 25. Inspite of the order under Annexure-A/3 when compensation allowance was not paid, the Applicants submitted representations to the authorities for grant of the said allowances. The Assistant Director (ML) in his letter dated 31-07-2001 intimated to all concerned to adhere to

P

9

the provisions of SR 25 with regard to grant of compensation to Speed Men who are distributing the Speed Post Articles by using their Scooter whereas the IRM (SP, Bhubaneswar GPO) in gross misinterpretation of the said letter intimated to all the Speed Men that as per SR 25 the Road mileage is to be fixed at Rs.425/- per month. Applicants' representation for grant of compensation and increase of conveyance allowance although recommended under Annexure-A/4 did not yield any result and with effect from 06-10-2001 the payment of Rs. 1/- per KM has been stopped w.e.f. 06-10-2001 whereas under Annexure A/5 dated 18.04.2002 such payment of Rs. 1/- has been allowed to the Speed Men working under Sundergarh Division. It is the case of the Applicants that conveyance allowance under SR 25 is different than compensation allowance as directed by Business Directorate of Posts, New Delhi. Therefore, the Respondents ought not to have stopped the compensation allowance as has been done in the present case. In this connection, the Applicants have also raised their grievance before the Assistant Labour Commissioner (Central) Bhubaneswar and the recommendation of the Assistant

✓

Commissioner (Annexure-A/6) is still pending before the Ministry of Labour for consideration. While the matter stood thus, when the Senior Superintendent of Post Offices, Bhubaneswar under Annexure-A/7 dated 16-08-2005 ordered for decentralization of Speed Post delivery in Bhubaneswar, they have approached this Tribunal in the present Original Application filed under section 19 of the Administrative Tribunals Act, 1985 praying the following relief(s):-

- (a) To direct the Respondents to sanction and approve compensation allowance to the Applicants;
- (b) To direct the Respondents to sanction and approve conveyance allowance @ Rs. 1/- per KM;
- (c) To pass order not to decentralize the Speed Post System at Bhubaneswar Region when the said system is in operation in other Postal Division of Orissa"

2. Respondents have filed their counter stating therein that centralized Speed Post delivery system in Bhubaneswar Town came into effect from 14-01-1998 and the Applicants being the Postmen of Bhubaneswar GPO were asked to carry out the delivery work of the Speed Post Articles on payment of Rs. 1/- per KM which was subject to approval of Ministry of Finance. As per the approval of the Ministry of Finance, the CPMG, Orissa Circle directed under Annexure-

R

17

- 4 -

A/4 to regulate grant of compensation to Speed Men who use their own scooters to deliver Speed Post Articles as per SR 25 and accordingly, the Applicants were allowed Conveyance Allowance at the rate of Rs. 425/- per month with effect from 06-10-2001. Besides, to ensure 100% delivery of Speed Post Mails on the very day of receipt, in addition to the Conveyance Allowance, for delivery of one Speed Post Article 50 paisa per article is being given to each Speed Post Man. As regards decentralization of delivery work, it has been pointed out that as delay occurred in the matter of delivery of the speed post articles, it was decided by the competent authority to decentralize the delivery system in order to get effective result vide order dated 04-08-2005 by which the Speed Post Articles are being delivered promptly and fully. It has been submitted that conveyance allowance of Rs. 1/- per Km was paid to the Applicants till issuance of the order for payment of conveyance allowance as per SR 25. By stating so, the Respondents have pointed out that there being no infirmity either in the payment of conveyance allowance or in the decision taken by them in

R

decentralizing the delivery system, this deserves no interference and this OA is liable to be dismissed.

3. Applicants have also filed a rejoinder more or less reiterating the stand taken in the Original Application and stating therein that since the decision to decentralize the Speed Post delivery system in Bhubaneswar was intentional and deliberate the same needs to be quashed.

4. Heard Mr. G. Behera, learned counsel appearing for the Applicants and Mr. R.C. Swain learned Additional Standing Counsel appearing for the Respondents and perused the materials placed on record.

5. Learned Counsel appearing for the Applicants has submitted that for delivering Speed Post Articles, a postman travels about 40 to 45 KM per day by his own two wheeler by incurring an expenditure of about Rs.40/- towards fuel. Therefore Rs. 425/- per month is not even to meet the exact expenses incurred by him. He has submitted that no opportunity was given to the Applicants before stopping the compensation allowance. He has argued that SR 25 deals with regard to conveyance allowance which was rightly ordered to be paid to



13

- 6 -

the Applicants; whereas the Respondents failed to appreciate that conveyance and compensation allowances are two different and distinct features. Therefore, the Applicants are entitled to get Rs. 1/- per KM over and above the amount of Rs. 425/- per month. As regards decentralization of the speed post delivery system in Bhubaneswar Town, it has been argued by the learned counsel appearing for the Applicants that except Bhubaneswar in no other towns in the State of Orissa such decentralization of delivery system has been made and from this it would go to show that the Respondents have intentionally done so only to deprive the Applicants their legitimate claims; which needs interference by this Hon'ble Tribunal.

6. On the other hand, Learned Counsel appearing for the Respondents while reiterating the stand taken in the counter has submitted that payments have been made strictly in accordance with Rules and in compliance of the orders of the authorities under Annexure-A/3. The Applicants' apprehension that the payments have been made in wrong interpretation of the Rules is not at all correct. The Applicants are entitled only to compensation allowance which was paid to them as per SR

Qr

14

7 -

25 and the Applicants are not entitled over and above the amount of Rs. 425/- which has been paid to them. As regards decentralization of the delivery system, it has been pointed out by counsel appearing for the Respondents that it is within the jurisdiction and competence of the Respondents to take decision with regard to distribution system and there is nothing wrong in taking such a decision in the matter which also needs no interference of this Tribunal.

7. Having considered the various submissions of the parties, I may record here that the Respondents have pointed out that by making decentralization of delivery system the Speed Post Articles are being delivered promptly and percentage of delivery has increased satisfactorily. It is the duties of the authorities to see that there should not be any delay in delivering Speed Post Articles. If targets are achieved by centralization of the system, it can not be said that there was any intention by doing so. Applicants are Postmen and they do not have any right to claim that the system should be allowed to continue merely because they will be entitled to some monetary benefits. Since the Respondents have taken the decision to

R

15

- 8 -

decentralize the system of delivery of Speed Post Articles as a matter of police, this Tribunal being not the appellate authority has no authority to interfere with the said policy decision of the Government(Ref:- (1998)4 SCC 117=1998 (2) SLJ 35(SC)- **State of Punjab & Ors. Vrs. Ram Lubhaya Bagga etc.**).

8. It is the case of the Respondents that conveyance allowance has been allowed as per SR 25 and relevant portion of SR-25 is quoted herein below:-

“SR 25- A competent authority may grant, on such conditions as it things fit to impose, a monthly conveyance or horse allowance to any Government servant who is required to travel extensively at or within a short distance from his headquarters under conditions which do not render him eligible for daily allowance.

Order under Annexure-A/3 dated 23rd April, 2001

speaks as under:-

“All Heads of Circles

Grant of Compensation to speed men who use their own two wheeler Scooter for delivery of Speed Post Articles.

The case was taken u with the Ministry of Finance for grant of compensation allowance to the speed men for using their own two wheeler scooter for the delivery of speed Post articles. It has been intimated by them that such case may be regulated as per the provisions contained in SR-25”.

✓

16

-9-

9. From this it is not clear as to whether the Applicants are entitled to the conveyance allowance under SR 25 over and above the amount of Rs. 1/- per KM which they were getting earlier. However, by producing the letter under Annexure-A/5, the Applicants have brought to the notice of this Tribunal that counterpart employees of Sundergarh Division are still getting Rs.1/- per KM for causing delivery of the Speed Post Articles which has neither been denied in the counter nor during the hearing of this case. It is clarified that in the matter of payment of allowance there should not be any discrimination. Therefore, the Respondents are hereby directed to examine the matter afresh and in case payment of Rs.1/- per KM has been allowed to any of the employees working in other Divisions for delivering the Speed Post Articles, the same should be paid to the Applicants. The entire exercise shall be completed within a period of 60 days from the date of receipt of a copy of this order. With the above directions, all these OAs are disposed of. There shall be no order as to costs.

B.B. MISHRA
(B.B.MISHRA)
MEMBER(ADMN.)