

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

ORIGINAL APPLICATION No.18/2010

Date of Order 29.09.2010

HON'BLE Dr. K.B. SURESH, JUDICIAL MEMBER

Purshottam Lal S/o Shri Banshi Lal Uppadhya, aged 42 years, G.D.S., Delivery Agent, Post Office, Jitiya, District Bhilwara, R/o village Jitiya, District Bhilwara.

....Applicant

Mr. Vijay Mehta, counsel for applicant.

VERSUS

1. Union of India through the Secretary, Ministry of Communication, (Department of Post), Sanchar Bhawan, New Delhi.
2. Assistant Superintendent of Post Offices, West Sub Division, Bhilwara.
3. GDS Branch Post Master, Post Office, Jitiya District Bhilwara.

.....Respondents

Mr. M. Godara, proxy counsel for
Mr. Vinit Mathur, counsel for respondents.

ORDER (ORAL)

The applicant is Gramin Dak Sevak Mail Carrier posted at Jitiya. Since the person working at Mangrop left the job in the month of October 2008, the postal department was compelled to make alternative arrangement to carry out the work at Mangrop. Therefore, the respondents had initially made some alternative arrangements, which were not apparently satisfactory. They found that the person, who had been earlier sent by them, was not educationally competent to shoulder the responsibility of the post of Sub-Post Master, which involves much more responsibility than the post of Mail Carrier. The applicant having passed the 10th

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standard was found suitable by the competent authority to hold the post of Sub Post Master (SPM for short).

2. The grievance of the applicant is that he is not competent to hold the post of SPM as he was not given any training for discharging the work of SPM. The Responsibility of GDS SPM is much higher since a SPM is the complete in-charge of the post office and he has to maintain savings accounts, RD accounts, making payments to the NAREGA employees and to maintain quite a number of registers, dispatch and distribution of the mail. Applicant is only a Mail Carrier and as such he cannot shoulder the new burden, which was forced on him. He would also contend that Mangrop, which is the present place of posting, is 30 kilometers away from Jitiya. Respondents have also agreed that the Mangrop is a far-off place from Jitiya but they say that it is only 15 kilometers away. The respondents would also state that as the applicant is shouldering additional burden, additional remuneration will be paid as well. My attention has been drawn to the Postal Gramin Dak Sevak (Conduct & Employment) Rules, 2001, which would state that:

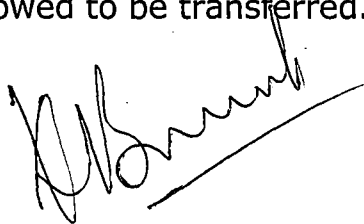
- (i) A Sevak shall not be required to perform duty beyond a maximum period of 5 hours in a day;
- (ii) A Sevak shall fulfill the compulsory condition of alternate independent source of income preferably derived from landed property or immovable assets as a pre-condition for employment as Sevak and

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shall maintain the same after his employment as Sevak;

- (iii) Sevak shall not have any transfer liability;
- (iv) Residence in post village/in the delivery jurisdiction of the Post Officer before appointment shall be mandatory for a Sevak.

A cumulative reading of all these factors would show that the payment structures of wages are regulated by the fact that a Gramin Dak Sevak is entitled to have alternative employment and he is expected to make alternative arrangement for his livelihood. The possession of a residence in the post village/delivery jurisdiction is mandatory for a Sevak. Besides GDS shall not have any transfer liability. But the respondents, relying on para 2 of transfer facility to Gramin Dak Sevak dated 17.07.2006 (Annexure-A/5) would point out that even though GDS is not eligible for transfer he can be transferred in public interest. On going through the document I find that there is no public interest involved in this case as specific instances of public interest are shown therein. In my view a GDS Mail Carrier in all probability would only be getting Rs.3,000/- or so for his employment of Mail Carrier. Even if some additional remuneration would come by way of Time Related Continuity Allowance (TRCA), it cannot be considered as sufficient amount for maintaining his family. By posting him at Mangrop, the applicant would be deprived of the alternative income, which would otherwise available to him from the landed property and its operation, if he is allowed to be transferred.



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3. The respondents would contend that the present posting of the applicant is a temporary arrangement on public interest and the applicant should have subscribed to it but then the question is can a larger public interest submerge the entirety of private rights of the individual as well. In any view, the applicant claims to be not competent to shoulder the burden of the post of Sub Post Master. The respondents, relying on the educational qualification of the applicant that he had passed the 10th standard, came to the conclusion that the applicant is equally competent to hold the post of SPM whose duties are far different from that of the Mail Carrier. For all these cumulative factors, the impugned order cannot be sustained.

4. Therefore, the impugned order dated 15.01.2010 (Annexure-1) will not stand the test of legal scrutiny and therefore the same is hereby quashed. OA is allowed. Interim relief granted vide order dated 25.01.2010 is made absolute. No order as to costs.



(Dr. K.B. SURESH)
Judicial Member

/Rss/

दिनांक 17/12/2016 के आदेशानुसार
मेरी उपस्थिति में दिनांक 11/12/2016
को भाग-II व III किताबें लिखें।

अनुष्ठापन अधिकारी
केन्द्रीय प्रशासनिक अधिकरण
जोधपुर न्यायमंच, जोधपुर