

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Jodhpur, this the 4th day of April, 2014

Original Application No. 425/2012

CORAM

Hon'ble Mr.Justice Kailash Chandra Joshi, Member (Judicial)
Hon'ble Ms Meenakshi Hooja, Member (Administrative)

Chhagan Lal Aheer s/o Shri Udai Ram, aged 46 years, GDSMC, Post Office, Jojaron Ka Kheda, District Chittorgarh, r/o Village Jojaron Ka Kheda, Distt. Chittorgarh.

.....Applicant

By Advocate: Mr. Vijay Mehta

Versus

1. Union of India through the Secretary, Ministry of Communication (Department of Post), Sanchar Bhawan, New Delhi
2. Superintendent of Post Offices, Chittorgarh
3. Inspector, Post Offices, Chittorgarh (North) Chittorgarh.

.....Respondents

By Advocate : Mr. Aditya Singh on behalf of Ms. K.Parveen

ORDER (ORAL)

Per Justice K.C.Joshi, M(J)

The present OA is filed by the applicant against the action of the respondents whereby after performing additional duties of GDSBPM, he has not been paid allowances, therefore, he has prayed for the following reliefs:-

"The applicant prays that impugned action of the respondents and order ANN A 1 may kindly be quashed. The respondents may kindly be directed to not to take work of GDS BPM from the applicant in addition to his work of GDS MC. In alternate it is prayed that the respondents may kindly be directed to make payment of TRCA of the post of GDSBPM. They may also be directed to pay over time, and

other allowances to the applicant for combination of duties of higher responsibility. They may also be directed to fill in the post of GDS BPM of the Jojaria Ka Kheda Post Office without any loss of time. Any other order, as deemed fit giving relief to the applicant may kindly be passed. Costs may also be awarded to the applicant."

2. Brief facts, as stated by the applicant, are that he was selected for the post of Extra Departmental Mail Carrier (EDMC) and posted at the Post Office Jojaron Ka Kheda, District Chittorgarh on 9.3.1991 (now called as GDSMC). While working as GDSMC, vide order dated 11.10.2013 he has been ordered to perform duties of GDSBPM in addition to his own duties due to retirement of Shri Uday Lal, GDSBPM. The charge of post of GDSBPM, Post Office, Jojaron Ka Kheda was handed over to Shri Ramesh Chandra Pancholi, but in the order itself it has been mentioned that Shri Ramesh Chandra may be relieved and the additional charge may be handed over to the applicant. It has been further stated by the applicant the for discharging the duties of GDSMC, he has to travel more than 52 Kms daily and has to begin his duties at 8 AM and thus he has to discharge the duties for more than 8 hours. Thus, it is not physically possible for the applicant to discharge duties of GDSBPM in addition to his duties of GDSMC. Further, according to GDS Rules, 2001 and OMs and orders issued from time to time, a GDS employee is also required to be paid allowances in such eventuality when the work of GDSBPM is being taken from him. The impugned order does not speak about the extra payment or payment of overtime to be given to the applicant for discharging extra duties of GDSBPM. Therefore, aggrieved with the action of the respondents, the applicant has filed this OA praying for the reliefs as stated in para-1 above.

3. By way of filing reply, the respondents have submitted that the applicant was directed to work as GDSBPM Joraron Ke Kheda to pull the vacancy on short term basis and combination of the duty is permissible as

per Rule 3-A (ix) of GDS (Conduct and Engagement) Rules, 2011 but the applicant disobeyed the order. According to the respondents, granting of combined duty allowances would arise after taking the charge of both the posts but the applicant did not take over the charge of the post of GDSBPM, Jojaron Ke Kheda. Therefore, action of the respondents is perfectly legal and the applicant is not entitled to any relief.

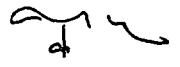
4. Heard both the parties. Counsel for the applicant contended that the respondent department in its reply averred that the charge of the post of Extra Departmental Branch Post Master in post office Jojaron ka Kheda was made for a short period. He further contended that vide notification dated 07.11.2013, the Superintendent of Postal Service, Chittorgarh Division, invited applications for the post of GDS BPM, Jojaron Ka Kheda. Counsel for the applicant further contended that the interim order dated 18.10.2012 was passed in favour of the applicant while staying the operation of the order at Annexure-A/1, by which the applicant was initially given charge of the post of GDSBPM. Counsel for the applicant further contended that in view of the averments made in the reply and the advertisement issued by the respondent department, the order at Annexure-A/1 requires to be quashed because the applicant is working to distribute the postal dak of the 52 kilometers radius and further he has been assigned the additional work of Branch Post Master (BPM). The copy of the advertisement has been submitted by the counsel for the applicant today, to which counsel for the respondents does not refute.

5. Per contra, counsel for the respondents contended that for a short period of time, the charge of BPM was ordered to be given to the applicant.

6. We have considered the rival contentions of both the parties and also perused the record made available. When the applicant is performing the duties of distribution of the postal dak within the radius of 52 kilometers, then the order of giving the additional charge cannot be said to be justified as it per se appears to be overburdening him and further since the respondent department has advertised the vacancy vide notification dated 07.11.2013, therefore, we are inclined to set aside the order at Annexure-A/1.

7. Accordingly, the OA is allowed and the order dated 11.10.2012 (Annexure-A/1) is set aside. However, the respondents are expected to complete the process of recruitment as early as possible for performing the regular work of Branch Post Master, Jojaron Ka Kheda. No order as to costs.


(MEENAKSHI HOOJA)
Administrative Member


(JUSTICE K.C.JOSHI)
Judicial Member

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