

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No. 438 of 2013

Friday, this the 26th day of February, 2016

CORAM:

**HON'BLE Mr. JUSTICE N.K. BALAKRISHNAN, JUDICIAL MEMBER
HON'BLE Mrs. P. GOPINATH, ADMINISTRATIVE MEMBER**

K.Gopinathan,
S/o.Kumara Pillai,
Gramin Dak Sevak Mail Deliver II,
Thirunellur Branch Post Office,
Thirunellur – 688 541.

...Applicant

(By Advocate Mr.P.M.Binoy Krishna)

V e r s u s

1. Superintendent of Post Offices,
Department of Posts, India,
Alappuzha Division, Alappuzha – 688 012.
2. The Chief Post Master General,
Department of Posts, India,
Thiruvananthapuram – 695 033.
3. Inspector of Posts,
Cherthala Sub Division,
Department of Posts,
Cherthala – 688 524.
4. Union of India represented by its Secretary,
Government of India, Ministry of Communication,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi – 110 116.

...Respondents

[By Advocate Mr.Brijesh.A.S.,ACGSC]

This application having been heard on 8th February 2016, the Tribunal on 26th February 2016 delivered the following:



ORDER

HON'BLE Ms.P.GOPINATH, ADMINISTRATIVE MEMBER

The applicant is working as Gramin Dak Sevak Mail Deliver (GDSMD) at Thirunellur Branch Post Office. His grievance is that he has not been granted and paid the additional combined duty allowance for down trip performed by him since 15.10.2008 to January, 2013 for bringing mail bags in addition to his duty as GDSMD while granting the same for up trip to the Branch Post Master. His duty hours is from 9 a.m. to 2 p.m. a day as GDS MD and it being a part time employment, a sevak shall not be required to perform duty beyond a maximum period of 5 hours in a day as per GDS(Conduct And Employment) Rules, 2001. For the duties of Beat No.II alone requires more than 5 hours a day. Applicant states that he and the applicant in Annexure A-2 are similarly placed in the matter of combined duty allowance/conveyance duty allowance due as they were performing the very same duties as per their turn. Therefore the verdict/ratio of the decision at Annexure A-2, squarely applies to him as well. The applicant has been asked to manage both beats which is not workable and impossible of performance by virtue of the nature of part time employment. Not even a bicycle has been provided to him and it is impossible for a part time employee to traverse about 60 kms per day to cover beat No.I & II. Since 15.10.2008 to January, 2013 the applicant has performed the additional duty of carrying mail bags from Pallippuram to Thirunellur BPO (down trip) besides his heavy GDSMD duties of Beat No.II of more than 5 hours a day



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delivering letter, postal articles, money order, sorting out postal articles, preparation of delivery slips, data entry etc., spending Rs.10/- per day as bus fare from his pocket, which has not even been reimbursed so far. As granted and paid for the up-trip, the respondents would have given conveyance duty allowance for the down trip performed by the applicant without showing discrimination against down-trip alone. Reliefs sought for by applicant are to set aside Annexure A-4 only in so far as it directs performance of Gramin Dak Sevak Mail Deliver in the two Beats at a time and to grant the applicant the actual amount of bus fare he had spent for the official work of bringing mail bags down trip from Pallippuram Sub Office to Thirunellur Branch Post Office during the period in between 15.10.2008 till January 2013.

2. The respondent in their reply statement aver that the applicant was appointed as Extra Departmental Mail Carrier (now GDS MC) at Thaikkattussery Post Office in Cherthala Sub division on 8.9.1983 and subsequently he was redeployed as GDS Mail Deliverer in Tirunellur B.O in account with Pallipuram S.O. with effect from 20.8.2001 consequent upon abolition of the post of GDSMC, Thykattussery. Periodical review of Post Offices is a requirement of the respondent and being an administrative and audit requirement drawal of allowances needs to be justified with the work load of each and every post. As such, the work load of Thirunelloor Post Office was reviewed and mail conveyance attended by the two GDSMDs of Thirunelloor Branch Post Office on alternate months was entrusted to the



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Branch Postmaster after the establishment review. One GDSMD post was also kept vacant temporarily by merging both the beats vide Inspector of Post Offices, Cherthala Sub division Memo No.Dlg-10/Reduction/Transfer/12-13 dated 15.3.2013. Thus one post of GDSMD became surplus and it was decided to redeploy the junior most GDSMD. Since the applicant was senior among the two GDSMDs, he was retained at Tirunallur P.O and the other GDSMD Shri.K.Mohanan Nair was transferred and redeployed as GDSMD, Varanam.

3. It is the responsibility of the department to review the workload and consider the retention of the posts. The instant O.A is squarely covered by the decision of this Tribunal in O.A.No.72/2012 dated 9.10.2012, wherein it has been held while dismissing the O.A that "this is not a matter permitted for judicial review in exercise of Article 226 of the Constitution of India. Taking into consideration of the work load, some adjustment regarding the conveyance of Branch Office bag has to be done. Such type of distinction made by the executive is not to be interfered by a Court of Law." The instant O.A is also liable for dismissal on this score.

4. The work of mail conveyance from Pallipuram S.O. to Thirunellur B.O. on alternate months was attended by the applicant as well as the other GDS Mail Deliverer as part of their duty since their work load was less than 5 hours and they were drawing maximum TRCA. It is submitted that the



Combined Duty Allowance is payable only if work of a particular post is entrusted to the incumbent holding another independent post. In the instant case, the applicant was not performing the additional duty of another post, but was attending mail conveyance as part of his normal duty as he was drawing maximum TRCA and the work load of both posts was covered in his single duty of 5 hours. Hence no additional amount is required to be paid to the applicant for conveyance of mail as the allowance drawn by him was inclusive of the remuneration for the above mail conveyance work. The BPM was given combined duty allowance as she was performing mail conveyance duty apart from her normal Postmaster duties. The mail conveyance is assigned to a GDSMD or GDSMP in order to adjust their work load and to justify the allowances drawn by them. As per the directions contained in Annexure A-2 final order dated 7.8.2012 of this Tribunal in O.A.No.969/2010 Rs.3625/- which was spent by the applicant for conveyance of mails from Pallipuram SO to Tirunallur BO from 1.9.2007 to 30.4.2010 on alternate months was reimbursed. The work of mail conveyance from Pallipuram SO to Thirunellur BO on alternate months was given to the applicant as part of his duty as his work load was less than 5 hours and he was drawing maximum TRCA. Combined duty allowance is payable only if work of a particular post is entrusted to the incumbent holding another independent post. In the instant case, the applicant was not performing the additional duty of another post but was attending mail conveyance as part of his normal duty as he was drawing maximum TRCA



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and work load of both posts was covered in his single duty of 5 hours. Hence, no additional amount was paid to the applicant for conveyance of mail. It is further submitted that one GDSMD post of Tirunellur BO was kept vacant temporarily as the delivery area was found to be a normal one which can be managed by a single GDSMD. The delivery and mail conveyance in postal department involves, traversing distance either by foot or cycle as evident from the norms for postman establishment and mail carriers. The postman, GDSMD or GDSMC have to cover the beat/route by cycle or by foot. Payment of bus charge for covering the distance for mail conveyance in obedience with the orders of this Tribunal in O.A.No.969/2010 is in fact against rules on the subject and will invite a spate of O.As and will lead to wrong practice not covered by rules and will have all India ramification which is evident from the fact the applicant herein also has preferred the instant O.A for the same illegal benefit. Hence the work load of the Thirunellur BO was reviewed once again and one way mail conveyance was entrusted to Branch Post Master of the BO. The delivery work load was also reviewed and found to be manageable by a single mail deliverer. Combined duty allowance for mail conveyance is payable only if work of a particular post is entrusted to the incumbent holding another independent post.

5. Triennial review of the workload of Branch Post Offices is done once in every 3 years. In the Triennial Review taken during the year 2010-2011,



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delivery statistics was taken for the period from 14.6.2010 to 19.6.2010. As per the statistics, the work load of the post of GDSMD II, Thirunallur in which the applicant is working is furnished below.

1. Average number of ordinary articles is 73
2. Average number of registered articles is 12
3. Average number of speed post articles is 4
4. Average number of money orders is 3.6
5. Average distance travelled (i) By foot – 2 km
(ii) By cycle -17 km
6. Total work load of GDSMD II (of applicant)-3 hrs 53 minutes
7. Mail conveyance work load – 55.25 mts.
8. Total work load entrusted to GDSMD II-3hrs53 minutes + 55 mts = 4 hrs 48 mts.

6. Respondents produces Annexure R-2 in support of above review conducted. The applicant's average delivery work is 73 ordinary letter + 12 registered letters + 4 speed post letter on alternate days + 3.6 money order. The quantum of mail is so small that even one post does not appear to be justified for delivery over a 2km route by foot. The quantum of mail for delivery is so small that he is not required to traverse the entire 2 km route daily and only covers those addresses for which mail has to be delivered. The work load calculation sheet of the post of GDSMD II, Thirunallur BO is produced as Annexure R-3. Work load calculation sheet of mail conveyance entrusted to GDSMD II, Thirunallur BO is produced as Annexure R-4. Copy of total work load calculation for the period from 15.10.2008 to January 2013 is produced as Annexure R-5. The working hours of the applicant including mail conveyance during the above period based on the statistics is below 5hours and hence he is not entitled for additional remuneration for mail conveyance as prayed for by the applicant.



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The GDSMD doing the mail conveyance for one post is, therefore, not entitled to combined duty allowance. The work load for mail conveyance is added to the work load of GDSMD and TRCA corresponding to the combined work load is given to the GDSMD. Cycle maintenance Allowance of Rs.60/- per month is payable to GDSMail Deliverer/Mail Carrier who use their own cycle for discharge of duty. It is submitted that the applicant is being paid cycle maintenance allowance at the rate of Rs.60/- with effect from 9.10.2009 and it is still continuing. Since the total work load of the applicant is below 5 hours, the applicant is not entitled for any additional remuneration for conveyance of mails.

7. As per work load statement produced, the applicant's prayer for mail carrier duty allowance of Rs.250 per month does not appear to be justified as applicant is being paid TRCA for 5 hours and his total work load as per Annexures R-2, R-3, R-4 and R-5 including mail delivery and mail conveyance work is 4 hours and 48 minutes. The applicant is using a cycle and is being paid cycle maintenance allowance for the same by the respondent. The working hour of the applicant is 4 hours and 48 minutes and he is being paid TRCA for 5 hours, hence any additional payment for mail conveyance in the form of mail carrier duty allowance or combined duty allowance is not justified as all the duties he is performing is covered by the 5 hour TRCA the applicant is drawing as per detailed statistics given in Annexures R-2, R-3, R-4 and R-5. The applicant is also being paid cycle



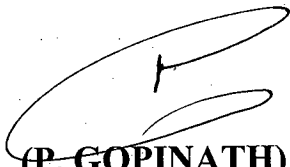
maintenance allowance since 9.10.2009 hence simultaneously claiming any additional bus conveyance allowance for the same activity of carrying mail by any other mode of transport is not admissible as such claim can be made by one mode only. The applicant's claim for bus fare for bringing mail bags is for period 15.10.2008 till Jan. 2013 and the said period could be covered by the payment of cycle allowance since 9.10.2009 by the respondent. In case applicant is able to provide proof to respondent, by production of bus ticket, that the journey from Thirunellur to Pallippuram is made by bus, he should be reimbursed the bus fare. If the duty of mail conveyance/mail delivery exceeds 5 hours and justifies the creation of a second post the applicant would have been entitled for combined duty allowance.

8. In view of developments like mobile, telephone, penetration of landline telephone, internet, email etc. the quantum of mail has undergone a drastic reduction and the work adjustment by combining posts in view of work reduction appears to have been overlooked by the applicant which is reflected by the statistics submitted vide Annexures R-2, R-3, R-4 & R-5. Though there were two posts, the present work load justifies only one post. Hence the applicant's claim for combined duty allowance is not justified as even after combination of mail delivery and mail carriage his duty hours are 4 hours and 48 minutes only and he is already drawing TRCA for 5 hours. Grant of bus fare is also not justified as applicant is already drawing cycle maintenance allowance and transportation charge by one mode only is admissible.



9. Accordingly the 2nd relief sought by the applicant is not allowed and the 4th relief sought is allowed as indicated in para 7 above. The OA is disposed of accordingly.

(Dated this the 26th day of February 2016)



(P. GOPINATH)
ADMINISTRATIVE MEMBER



(N.K. BALAKRISHNAN)
JUDICIAL MEMBER

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