

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKLULAM BENCH

O.A.No. 517 OF 1996

Tuesday this the 15th day of July, 1997.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

P.Radhamony,

Extra Departmental Packer,
Kalayapuram PO,
reiding at Sreebhavan House,
Kalayapuram Po, Kottarakkara.691560. ... Applicant

(By Advocate Mr. P.C. Sebastian)

Vs.

1. The Senior Superintendent of Post Offices,
Kollam Divisioin, Kollam.
2. The Postmaster,
Kottarakara Head Post Office,
Pin. 691500.
3. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram. .. Respondents

(By Advocate Mr. TPM Ibrahim Khan SCGSC)

The application having been heard on 15.7.1997 the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant was appointed as Extra Departmental Packer in Kalayapuram Sub Post Office with effect from 18.9.91 and hours of his work was fixed at five hours (7 to 8.30 am and 3 to 6.30pm). The basic allowance attached to the post was Rs.420/- and the applicant was receiving Rs.1091/- in 1996. The grievance of the applicant is that the basic allowance of the applicant was reduced by Rs.50/- when his allowances for the month of March was drawn on 2.4.96 with the result the applicant was paid only Rs.973/- instead of Rs.1091/. Coming to know that the reduction was as per instructions given by the higher authorities the

applicant made a representation on 2.4.96 to the first respondent requesting him not to reduce his allowances. Finding no response he made another representation on 22.4.96 to the second respondent. In response to this the second respondent wrote a letter to the Sub Post Master, Kalayapuram on 23.4.96 informing him that the applicant's basic allowance was reduced to Rs.370/- with reference to Memo No.A/8 dated 22.11.94 vide letter No.A/76 dated 20.3.96 from the Sr.Superintendent of Post Office, Kollam and that the details could be had from the Divisional Office, Kollam. The applicant again submitted a reminder to the first respondent on 24.4.96. He did not get any reply. Aggrieved by the reduction of his allowance the applicant has filed this application for a direction to respondents to produce the orders mentioned in A5 and to quash the decision to reduce the allowances of the applicant and also for a direction to the respondents to continue to draw and disburse applicant's pay without any reduction and to refund the amount already reduced from her pay.

2. The respondents seek to support the impugned action on the ground that on a quinquennial revision of the workload of the E.D.posts in Kollam Division during the year 1993 the allowances attached to the post of Extra Departmental Packer of Kalyapuram was reduced to Rs.370/- from Rs.420/- and that therefore the applicant has no legitimate grievance to be redressed.

3. The applicant in his rejoinder has stated that in view of the instructions contained in letters No.14/46/89/PAP dated 23.3.90, 22.3.96 and letter dated 13.3.97 of the Government of India, Department of Posts directing that the allowances of the ED Agents shall not be

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reduced, the action taken by the respondents in reducing the allowance of the applicant cannot be sustained.

4. On a perusal of the pleadings and documents available on record I am of the considered view that the action of the respondents in reducing the allowance of the applicant is unjustified. In the letter dated 23.3.90 (A7) the Director General (Posts) had directed the departmental heads not to reduce the allowances of the ED Agents and to report within a fortnight all cases in which reduction had been ordered but not carried out after 1.1.86. A similar letter appears to have been sent on 22.3.96 also. Finding that despite this repeated instructions, various complaints were being received from ED Agents complaining of reduction of their allowances, the order dated 13.3.97 has been issued from the Government of India, Department of Posts, New Delhi to all the Heads of Postal Circles. It is worthwhile to extract the contents of this letter which reads as follows:

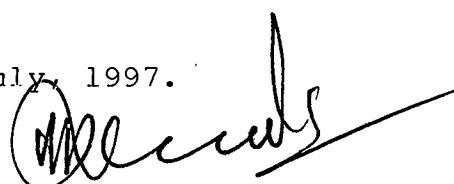
"I am directed to refer to the communication cited under reference on the above subject under which it was ordered that no reduction may be carried out until further orders.

A large number of complaints regarding reduction of allowances are being received in this Directorate. Hence you are once again requested not to reduce the allowances of Extra Departmental Agents under any circumstances. Suitable instructions may be given to all Divisional Superintendents and concerned officers of the Department."

6. In the light of the direction issued by the Directorate on 13.3.97 referring to the letters dated

23.3.90 as also 22.3.96 I find no justification for the respondents to reduce the allowances of the applicant from Rs.420/- to Rs.370/-. Therefore, the application is allowed and the action of the respondents in reducing the basic allowance of the applicant to Rs.370/- is set aside. The respondents are directed to continue to disburse to the applicant the basic allowance of the applicant as Rs.420/- with relief thereon and to refund to the applicant the amount, if any, so far deducted within a period of two months from the date of receipt of a copy of this order. Parties will bear their costs.

Dated the 15th day of July, 1997.


A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES

Annexure A5: True copy of the letter issued by the
1st respondent No.AC/BIII/95-96
dated 23.4.1996.

Annexure A7: True copy of letter No.14-46/89/PAP
dated 23.3.1990 issued by the
Department of Posts.

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