

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.545/98

Monday, this the 19th day of June, 2000.

CORAM:

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

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

1. T.M.Gopalakrishnan,
S/o late K.M.Narayananakurup,
Extra Departmental Sub Postmaster,
E.D.Sub Post Office,
Tanur Nagaram.P.O.
Malappuram District.
2. V.K.Kunjumon,
s/o Hamza.V.K.
E.D.Branch Postmaster,
E.D.Branch Post Office,
Paleri, PIN: 673 508.
3. A.Surendran,
s/o Chathukkutty,
Extra Departmental Mail Carrier,
Morikkara Post,
Via Kakkodi, PIN: 673 611.
4. Secretary,
Bharathiya Extra Departmental
Employees Union, Vadakara Division,
(Affiliated to BMS),
represented by A.Sekharan,
Extra Departmental Delivery Agent,
Quilandy.
5. E.D.Aikyavedi State Committee(Postal),
Reg.No.260/92, P.O.Muyipoth,
Meppayur, Kozhikode District,
PIN: 673 524
represented by its Convenor,
K.Valsalan,
ED Assistant, Muyipoth.

- Applicants

By Advocate Mr Sivan Madathil(not present)

Vs

1. Union of India
represented by Secretary to Government,
Department of Posts,
Ministry of Communications,
Dak Bhavan, Sansad Marg,
New Delhi-110 001.

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2. Director General (Posts),
Dak Bhavan, Sansad Marg,
New Delhi-110 001.
3. Chairman,
Postal Services Board,
Department of Posts,
Ministry of Communications,
Dak Bhavan, Sansad Marg,
New Delhi-110 001.
4. Chief Post Master General,
Kerala Circle,
Thiruvananthapuram.

- Respondents

By Advocate Mr Thomas Mathew Nellimoottil

The application having been heard on 19.6.2000, the Tribunal on the same day delivered the following:

O R D E R

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

The applicants who are Extra Departmental Agents of the Postal Department, have filed this application for the following reliefs:

"(1) To issue necessary order or directions directing the respondents to declare that the ED Agents including the applicants are entitled to get appropriate scales of pay and proportionate wages equal to their corresponding counterparts in the regular establishment and direct the 1st respondent to evolve suitable scheme for payment of equal pay for equal work,

(2) To declare that the ED Agents being holders of Civil posts as regular Government servants are entitled to get all service benefits including scales of pay, annual increments, promotions, pension, earned leave, casual leave, L.T.C., H.R.A. and such other

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benefits as are granted to the regular employees in the department and direct the government to extend such benefits to ED Agents including the applicants forthwith.

(3) To direct the Government to implement the recommendations of Justice Talwar Commission.

(4) To implement time bound promotions during their service in the department as that of the regular departmental employees.

(5) For payment of subsistence allowance to the ED Agents including the applicants during the put off duty period, leave with wages including maternity leave to Women ED Agents.

(6) For grant of travelling allowance, medical allowance and pay scale with periodical increments as applicable to regular staff."

It is alleged in the application that ED Agents are holders of civil posts, that they are entitled to proportionately equal pay in comparison to the regular employees of the Postal Department and that the inaction on the part of the respondents to grant them these benefits is arbitrary, irrational and unconstitutional.

2. The respondents have resisted the claim of the applicant. It has been contended that the applicants are not regular employees of the Postal Department, that the conditions of service of the employees of the Postal

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department cannot be compared with that of the ED Agents who are free to have additional means of livelihood, and that there is absolutely no merit in the claim of the applicants.

3. We have gone through the pleadings in this case and have heard the learned counsel for the respondents. As the counsel for the applicants remained absent and as the applicants also did not appear, we did not have the benefit of hearing them. The claim of the applicants that ED Agents are holders of civil posts and entitled to conditions of service as regular employees of the Postal Department is ill-founded. It has been held by the Apex Court that ED Agents are holders of the civil posts only, for the purpose of application of Article 311 of the Constitution and it has not been declared that they are entitled to the same conditions of service as regular Postal employees. The Government has now improved the wage structure of the ED Agents granting them Time Related Continuity Allowance(TRCA) accepting the recommendation of Justice Talwar Commission. This, we are of the view, has ameliorated their conditions. We therefore, do not find any merit in this application which is dismissed leaving the parties to bear their own costs.

Dated, the 19th of June, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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