

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No.903/2009, O.A.Nos.67, 68,69, 70, 76, 77, 78,
90, 95, 98, 110, 114, 158,197, 233, 312, 349, 384 of 2010

Friday, this the 17th day of June, 2011.

CORAM

HON'BLE Mr JUSTICE P.R.RAMAN, JUDICIAL MEMBER

HON'BLE Mr K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER

O.A.903/2009

1. All India Postal Extra Departmental Employees Union (AIPEDU), Kollam Divisional Branch, Kollam through its Secretary R Mohanadasan Pillai, Gramin Dak Sub Postmaster(GDSPM), Thodiyur.P.O., Kollam Dist.
2. B.Sali, S/o Bhaskaran, Gramin Dak Sevak Branch Postmaster(GDSBPM), Thodyur North.P.O., Kollam District. - Applicants

(By Advocate Mr T.C.Govindaswamy)

v.

1. Union of India represented by the Secretary to Government of India, Ministry of Communications & Information Technology (Department of Posts), Dak Bhavan, Sansad Marg, New Delhi.
2. The Director General, Department of Posts, Ministry of Communications & Information Technology, Dak Bhavan, New Delhi.
3. The Assistant Director General (GDS/PCC), Department of Posts, Ministry of Communications & Information Technology, Dak Bhavan, New Delhi.
4. The Chief Post Master General, Kerala Circle, Thiruvananthapuram.

5. The Senior Superintendent of Post Offices,
Department of Posts,
Kollam Division, Kollam.

(By Advocate Mr Sunil Jacob Jose, SCGSC)

O.A.67/2010

T.A.Gopinatha Panicker,
S/o Ayyappan,
GDS Branch Postmaster,
Thekumkal .P.O.
Residing at Thadathil House,
Chunkappara.P.O,
Thiruvalla-689 101. - Applicant

(By Advocate Mr P.C.Sebastian)

v

1. The Superintendent of Post Offices,
Thiruvalla Division,
Thiruvalla-689 101.
2. The Postmaster,
Chengannur Head Post Office,
Chengannur.
3. The Union of India represented by
Secretary to Government of India,
Ministry of Communications,
Department of Posts,
New Delhi. - Respondents

(By Advocate Mr Varghese P Thomas, ACGSC)

O.A.68/2010

1. All India Postal Extra Departmental Employees Union,
Pathanamthitta Division,
Pathanamthitta Head Post Office,
represented by its Divisional Secretary,
A.K.Balakrishnan, S/o E.A.Kesavan,
GDSMD, Punnakkad, Pathanamthitta.
2. K.P.Gopinathan, S/o Parameswaran Achary,
GDS BPM, Angadickal North B.O.
Kaipattoor, Pathanamthitta.

3. T.G.Madhukumar, S/o Gopalakrishnan Nair,
GDSBPM, Kizhakkupuram.B.O.,
Kumbazha Muri,
Pathanamthitta. - Applicants

(By Advocate Mr M.R.Hariraj)

v.

1. Union of India represented by the Secretary
to Government of India,
Department of Posts, New Delhi.
2. Chief Post Master General,
Kerala Circle, Trivandrum.
3. Superintendent of Post Offices,
Thiruvalla Postal Division,
Pathanamthitta. - Respondents

(By Advocate Mr Sunil Jacob Jose, SCGSC)

O.A.No.69/2010

1. V.K.Muraleedharan,
S/o late Kunju Kunju,
GDSBPM, Poovathur, Tiruvalla Division.
2. Anna Sherine.V.G.,
W/o George P Mathews,
GDSBPM, Kunnathumkara.P.O.,
Thiruvalla Division. - Applicants

(By Advocate Mr M.R.Hariraj)

v.

1. Union of India represented by the
Secretary to Government of India,
Department of Posts,
New Delhi.
2. Chief Post Master General,
Kerala Circle, Trivandrum.
3. Superintendent of Post Offices,
Tiruvalla Postal Division,
Tiruvalla. - Respondents

(By Advocate Mr A.D.Raveendra Prasad)

O.A.No.70/2010

1. All India Postal Extra Departmental Employees Union,
Thiruvalla Division, Thiruvalla Head Post Office
represented by its Divisional Secretary, Thomas Chacko,
S/o P.V.Chacko, GDSBPM, Arattupuzha, Chengannoor.
2. K.K.Renji, S/o K.M.Kunjukunju,
GDSBPM, Kozhimala, Vallamkulam,
Thiruvalla, Pathanamthitta.
3. Sudheerkumar.K.R., S/o K.A.Rajan,
GDSBPM, Koduppunna, Ramankari,
Alappuzha. - Applicants

(By Advocate Mr M.R.Hariraj)

v.

1. Union of India represented by the
Secretary to Government of India,
Department of Posts,
New Delhi.
2. Chief Post Master General,
Kerala Circle, Trivandrum.
3. Superintendent of Post Offices,
Tiruvalla Postal Division,
Tiruvalla. - Respondents

(By Advocate Mr Sunil Jacob Jose, SCGSC)

O.A.No.76/2010

1. National Union of Gramin Dak Sevaks
represented by its General Secretary,
P.U.Muraleedharan, S/o late A.K.Sivasankaran Nair,
GDSMP, Downhill.P.O., Manjeri Division,
Malappuram.
2. R.Rajendranathan Pillai,
S/o late Raman Nair, GDSBPM,
Plachery.P.O., Valacode,
Pathanamthitta Division-691 331.
3. Mathew P Varghese,
S/o Gheevarghese Vaidyan,
GDSBPM, Vilakkupara.B.O.
Pathanamthitta Division,

Pathanamthitta.

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Applicants

(By Advocate Mr Shafik M.A.)

v.

1. Union of India represented by
the Director General Post/
Secretary Posts,
M/o Communication and IT, New Delhi.

2. The Assistant Director General(Estt),
Department of Posts,
M/o Communication and IT, New Delhi.

3. The Chief Postmaster General,
Department of Posts,
Kerala Circle, Trivandrum.

-

Respondents

(By Advocate Mr Sunil Jacob Jose, SOGSC)

O.A.No.7/2010

1. All India Postal Extra Departmental Employees Union,
Idukki Division, Thodupuzha represented by its
Divisional Secretary A.N.Ramachandran Nair,
S/o Narayanan Nair, GDSMD Pampupara.P.O.

2. Jose Michael, S/o Michael,
GDS Branch Postmaster,
Ezhumuttom P.O., Idukki.

3. Jose A.V., S/o Varghese,
GDSBPM, Koduvelli.B.O.,
Mokodikkulam, Idukki.

Applicants

(By Advocate Mr P.C.Sebastian)

v

1. The Union of India represented by
Secretary to Government of India,
Ministry of Communications,
Department of Posts,
New Delhi.

2. The Assistant Director General (GSD/PCC),
Government of India,
Ministry of Communications & IT,
Department of Posts, New Delhi.

3. The Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram.
4. The Superintendent. Of Post Offices,
Idukki Division, Thodupuzha. - Respondents

(By Advocate Mr Sunil Jacob Jose, SCGSC)

O.A.No.78/2010

1. All India Postal Extra Departmental Employees Union,
Aluva Postal Division, Aluva represented by its
President M.J.George, S/o late M.P.Jacob,
GDSBPM, Yordhanapuram.B.O.
Under Aluva Head Post Office, Aluva.
2. N.K.Reshmi, D/o late N.S.Krishnan Kartha,
GDSBOM, South Vazhakulam.B.O.
Aluva Division, Aluva. - Applicants

(By Advocate Ms Rekha Vasudevan with Mr O.V.Radhakrishnan Senior)

v.

1. Senior Superintendent of Post Offices,
Aluva Postal Division, Aluva-682 101.
2. Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram.
3. Director General of Posts,
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi-110 001.
4. Union of India represented by its Secretary,
Ministry of Communications & Information Technology,
Department of Posts,
New Delhi-110 001. - Respondents

(By Advocate Mr Sunil Jacob Jose, SCGSC)

O.A.No.90/2010

1. E.M. Vijayan, S/o the late Madhavan,
aged 57 years, working as GDS BPM ,

West Vengola, Aluva Division,
residing at Eruveli House, Vengola.

2. T.K.Mariamamma, W/o. Sri. T.P.Varghese, aged 60 years,
working as GDS BPM, Vilangue.
residing at Thompra House, Allapra P.O.
3. K.P.Seetha, W/o. Sri. E.K.Rajasekharan, aged 58 years,
working as GOS BPM, Vattapparamb,
residing at Sreenilayam, Airoor P.O.
4. Subaitha M.S., D/O. Sri. Saithukunju, aged 50 years,
working as GDS BPM, West Veliyathunad, residing at
Pulikkayath, Thuruth, Aluva.
5. P.A.Vimala, D/O. Sri. E.K.Ayyappan Nair, aged 57 years
working at GDS BPM, Elavoor,
residing at Sreevalsam, Nayathode P.O.
6. Sumathy.K., D/O Sri.V.Velayudhan Nair, aged 62 years, working as GDS
BPM, Vellarappilly, residing at Nellikkal House, Vellarappilly South P.O.
7. A.B. Jalaja, D/O. Sri. Bhaskaramenon, aged 46 years, working as GDS
BPM, Thuravumkara, residing at Ambady, Kunnukara.
8. Nini Govindan, D/O. Sri. M.K.Govindan, aged 28 years, working as GDS
BPM, Kizhmuri, residing at Kizhakke Memdakkal, Ramamangalam.
9. K.P.Suresh, S/O the late KA.Parameswaran, aged 45 years, working as
GDS BPM, Njayappilly, residing at Kudiyel House, Njayappilly.
10. K.P.Lissy, D/O. Sri. K.A.Paily, aged 50 years, working as GDS BPM,
Ayyampuzha, residing at Kuruppampady House, Ayyampuzha P.O.
11. M.V.Agnes, D/O. Sri. Vareeth, aged 47 years, working as GDS BPM,
Chully, residing at Kottakkal, Chully P.O.
12. Annie P.C., D/o Sri. Chakkappan, aged 51 years, working as GDS BPM,
Airoor, residing at Panikulangara, Airoor P.O.
13. P.K.Radha, D/O. the late Karappah, aged 53 years, working as GDS BPM,
Anappara, residing at Erattaplamoottil, Naduvattam P.O.
14. P.O.Annam, D/o the late PP Ouseph, aged 46 years, working as GDS
BPM, Parakkadavu, residing at Kaipparampatt, Thuruvloor.
15. K.C.Sophy, D/o the late K.P.Chacko, aged 44 years, working as GDS
BPM, Kidangoor, residing at Painadath House, Kidangoor.
16. Bindu Joseph, D/o Sri. Joseph, aged 34 years, working as GDS BPM,
Nagapuzha, residing at Kollayil House, Thazhavamkunnu P.O.
17. N.E.Saramma, D/o the late Ithappiri, aged 61 years, working as GDS
BPM, Pattimattam, residing at Koikkara, Vempilly P.O.
18. P.N.Ammi, D/o the late Neilan, aged 56 years, working as GDS BPM,

Karumaloor, residing at Nikathithera House, Malippuram P.O.

19. V.R.Vanaja, D/o the late T.G.Ramakrishna Pillai, aged 44 years, working as GDS BPM, Vempilly, residing at Valamkasseril, Nellad P.O.
20. P.G.Ajithakumary, D/o Sri.P.K.Gangadharan, aged 50 years, working as GDS BPM, Piraroor, residing at Blayil, Kalady P.O.
21. Lilly Poppen, D/o the late Varghese, aged 62 years, working as GDS BPM, Vappalassery, residing at Kayyala House, Vappalassery P.O.
22. Jesna T.J., % Sri. Jamaludeen, aged 27 years, working as GDS BPM, Peringala, residing at Thanikkaparambil, Asokapuram, Aluva.
23. Vrinda.S., D/o the late C.N.Sukumaran, aged 32 years, working as GDS BPM, Desom, residing at Radhamandiram, Desom.
24. P.S.Mary, D/o Sri. Souru, aged 45 years, working as GDS BPM, Illambakappilly, residing at Malikudy, Elambakappilly.
25. Mini Joseph, D/o the late Joseph, aged 38 years, working as GDS BPM, Paingottoor, residing at Chembakkottu, Puthenpura, Kadavoor P.O.
26. V.K.Kumari, D/o the late V.C.Kela, aged 47 years, working as GDS BPM, Kadavoor, residing at Emanikkal House, Kadavoor P.O.
27. M.K.Varkey, S/O the late M.P.Kurian, aged 59 years, working as GDS BPM, Azhakam, residing at Moozhikulam, Azhakam P.O.
28. Shaji Paul, S/O Sri.T.Poulose, aged 32 years, working as GDS BPM, Pazhamthottam, residing at Oroth House, Kizhakkambalam.
29. K.P.Mathew, S/O the late Poulose, aged 54 years, working as GDS BPM, Malayidamthuruth, residing at Kaithakkoombil, Malayidamthuruth P.O.
30. M.B. Suvarnakumari, S/O. Sri. Bhaskaran Nair, aged 48 years, working as GDS BPM, Uliyanoor, residing at Nandanam, U.C. College P.O. working as GDS BPM, Paniaeli, residing at Porathukudy, Paniyeli P.O.
31. B.Thankamma, D/o the late Neelakandan Nair, aged 35 years, working as GDS BPM, Kozhippilly, residing at Njalyath House, Kozhippilly P.O.
32. P.P.Suhara Beevi, D/o the late PM Pareeth, aged 49 years, working as GDS BPM, Airoorpadam, residing at Maniattukudy, Airoorpadam.
33. K.P.Thankamma, D/o the late Perayan, aged 62 years, working as GDSBPM, Paniaeli, residing at Porathukudy, Paniyeli.P.O.
34. P.P.Verkey, S/O the late Poulose, aged 59 years, working as GDS BPM, Kuttampuzha, residing at Padikkakudy, Kuttampuzha P.O.
35. N.J.Joseph, S/O Sri. N.T.Joseph, aged 49 years, working as GDS BPM, Pareekanni, residing at Nellikkal House, Nellimattam.
36. K.Muraleedharan Nair, S/O the late K.S.Kumarapillai, aged 49 years, working as GDS BPM, Perumannoor, residing at Kottarath House,

Perumannoor.

37. Jose T Varghese, S/o Sri.T.U.Varkey, aged 29 years, working as GDS BPM, Manikinar, residing at Thandel House, Pothanikkad.
38. C.K.Subhashini, D/o the late Kurumban C.C., aged 45 years working as GDS BPM, Thalakkad, residing at Cherappilli Puthenparambil, Thalakkode P.O.
39. C.A.Thankamma, D/o the late Ayyappan, aged 49 years, working as GDS BPM, Oonnukal, residing at Vazhaparambil House, Oonnukal.
40. P.V.Kunjamma, D/o the late P.V.Varghese, aged 51 years, working as GDS BPM, Nellikuzhy, residing at Thadayalil House, Kuruppampady.
41. Aleyamma Varghese, D/o Sri.Varghese, aged 48 years working as GDS BPM, Vadattupara, residing at Chakkumkudy, Vadattupara.
42. P.P.Jacob, S/o Sri.Poulose, aged 61 years, working as GDS BPM, Malipara P.O. Punnakkal Malipara.P.O.
43. Raji.V.N., D/o Sri.Narayanan Nair, aged 36 years, working as GDS BPM, Bhoothathankett, residing at Valampukudy, Varappetty.
44. V.T.Sudha, D/o Sri. Thankappan Nair, aged 38 years, working as GDS BPM, Neriamangalam, residing at Kocherikudy House, Varappetty.
45. Jayamol.K., D/o. Sri.N.N.Kumaran, aged 39 years, working as GDS BPM, Neendapara, residing at Madathikudy Neendapara P.O.
46. K.A.Alphonsa, D/o Sri.K.T.Antony, aged 57 years, working as GOS BPM, Kothamangalam Bazar, residing at Kottakkal, Kothamangalam.
47. Bijimol, D/o Sri. P.R.Sankunny, aged 34 years, working as GDS BPM, Vettampara, residing at Karuvettekudy House, Malippara P.O.
48. C.R.Sreedharan, S/o the late Raman, aged 48 years, working as GDS BPM, Vaikara, residing at Chakkungapady, Vaikara P.O.
49. P.K.Kunjappan, S/o Sri. Kunjikkannan, aged 50 years, "., working as GDS BPM, Nadukani, residing at Puthenpura, Nadukani P.O.
50. N.Bijukumar, S/o Sri. Narayanan Nair, aged 38 years, working as GDS BPM, Kuthukuzhy, residing at Puthenpurayel House, Kuthukuzhy.
51. P.L.Poulose, S/o the late Paily Lasser, aged 51 years, working as GDS BPM, Aimurikara, residing at Pulikkal, Aimurikara P.O.
52. N.M.Poulose, S/o Sri. Paily Mathew, aged 59 years, working as GDS BPM, Kombanad, residing at Nedumankuzhy, Kombanad P.O.
53. K.A.Varghese, S/o Sri. K.V.Alias, aged 47 years, working as GDS BPM, Thattekkad, residing at Kanjirakkatt, Thattekkad.

54. K.C.Devaky, D/o Sri. Churaman, aged 60 years, working as GDS BPM, Karukadam, residing at Nemborikandathil, Karukadam.
55. V.P.Ushakumari, D/o Sri. Padmanabha Pillai, aged 44 years, working as GDS BPM, Mudakuzha, residing at Varakkatt, Mudakuzha.
56. P.A.Abdul Nazar, S/O Sri. Adinakunju, aged 47 years, working as GDS BPM Ponjassery, residing at Poovathumkal House, Ponjassery P.O.
57. K.P.Pyari, D/o the late Gangadharan V.A., aged 58 years, working as GDS BPM, Elanthikkara, residing at Erezhath House, Puthenvelikkara.
58. K.S.Leela, D/o the late Sankaramenon, aged 62 years, working as GDS BPM, Kuthiathode, residing at Kollilil, Cherukadappuram, Kuthiathode P.O.
59. P.Chandrasekharan Nair, S/O the late Balakrishnan, aged 62 years, working as GDS BPM, Nedumbassery, residing at Kizhakkedath, Athani P.O.
60. N.K.Suseela, D/o the late Kuttappan, aged 47 years, working as GDS BPM, Kunjithai, residing at Nalukandathil, Kunjithai P.O.
61. C.V.Ovinkumar, S/O Sri. K.S.Venu, aged 23 years working as GDS BPM, Thathappilly, residing at Chanpakaparambil, Chendamangalam.
62. Laly Joseph, D/o the late Joseph, aged 43 years, working as GDS BPM, Pulluvazhy, residing at Kananmalil, Pulluvazhy.
63. V.P.Leelamma, D/o Sri Puranath, aged 59 years, working as GDS BPM, Airapuram, residing at Airapuram.
64. Shaly K.M., D/o Sri. Mathai, aged 42 years, working as GOS BPM, Kalampur, residing at Valatharayil, Mutholapuram P.O.
65. K.M.Rosa, D/o the late K.V.Mathai, aged 64 years, working as GDS BPM, Marika P.O. residing at Kalamgareth, Marika P.O.
66. C.V.AleYkutty, D/o the late Verghese, aged 58 years, working as GDS BPM, Periappuram, residing at Chelakathinal, Periappuram P.O.
67. Valsala.C.S., D/o Sri. Sreedharan, aged 63 years working as GDS BPM, Nechoor, residing at Puthenveettil, Nechoor P.O.
68. A.N.Retnamma, D/o the late Narayana Panikkar, aged 56 years, working as GDS BPM, Enanalloor, residing at Adivattaputhenpura, Cheruvattoor.
69. K.R.Sobhana, O/O the late Raman Menon, aged 50 years, working as GOS BPM, Thuruthy, residing at Sarath Vihar, Allapra P.O.
70. P.N.Ponnamma, D/o the late Neelakandan, aged 55 years, working as GOS BPM, Mamalassery, residing at Mamabilathil, Mamalassery P.O.
71. Ajithakumari.P.K., D/o Sri. Kunjan Nair, aged 44 years, working as GDS BPM, Edavoor, residing at Thachappilly House, Iringoli.P.O.

72. P.V.Vanaja, D/o Sri. P.K.Velayudhan, aged 49 years, working as GDS BPM, Idamalayar, residing at Puloorkott, Puthenpura, Vadattupara.
73. P.G.Narayanankutty, S/o Sri. Gopalan, aged 54 years, working as GDS BPM, Kakkoor, residing at Pengatt House, Kakkoor P.O.
74. T.N.Sumadevi, D/o Sri. Narayanan Nair, aged 48 years, working as GDS BPM, Panipra P.O., residing at Moothedath House, Panipra P.O.
75. K.Lakshmi, D/o the late Krishnan K.K., aged 60 years, working as GDS BPM, Karukappilly, residing at Kodukkatt, Karukappilly P.O.
76. V.R.Sarasan, S/o. Sri. Ramakrishnan Nair, aged 54 years, working as GDS BPM, Madakkathanam, residing at Jothi Bhavan, Madakkathanam.
77. P.J.Kurian, S/o the late John, aged 53 years, working as GDS BPM, Meenkunnam, residing at Paruthaniyil, Meenkunnam P.O.
78. K.C. Jogimon, S/o Sri. K.C.Chacko, aged 32 years working as GDS BPM, Vadakode, residing at Ko lliye I House, Vadakode P.O.
79. K.K.Radha, D/o the late Neelakantan, aged 60 years, working as GDS BPM, Kavakkad, residing at Kavakkad P.O.
80. A.N.Haridas, S/o the late Narayanan Nair, aged 63 years, working as GDS BPM, Kadalikkad, residing at Madathil House, Kadalikkad.
81. Sunny N. George, S/o Sri. N.V.George, aged 55 years, working as GDS BPM, East Marady, residing at Nedumpeedikayil, Perempalloor P.O.
82. M.V.Anniee, D/o Sri. Varkey, aged 58 years, working as GDS BPM, Perumballoor, residing at Meenadathil House, Perumballoor P.O.
83. T.K.Sathy, D/o the late Kunjankittu, aged 63 years, working as GDS BPM, Pandappilly, residing at Varikkanikkal, Pandappilly P.O.
84. K.M.Osavy Kunjamma, D/o Sri. Madhavan Kartha, aged 61 years, working as GDS BPM, Rayamangalam, residing at Kakkolil House, Rayamangalam P.O.
85. M.J.George, S/o the late M.P.Jacob aged 50 years working as GDS BPM Yordhanapuram B.O.in account with Kalady S.O. under Aluva Head Post Office, Aluva, residing at Menacherry House, Mattoor, Kalady PO.

(By Advocate Mr K Ramachandran with Mr O.C.Radhakrishnan, Senior)

v.

1. Senior Superintendent of Post Offices,
Aluva Postal Division, Aluva-683 101.
2. Chief Postmaster General, Kerala Circle,
Thiruvananthapuram.
3. Director General of Posts, Department of Posts

Dak Bhavan, Sansad Marg, New Delhi- 110 001.

4. Union of India represented by its Secretary,

Ministry of Communications and Information Technology,
Department of Posts, New Delhi -110 001. - Respondents

(By Advocate Mr MVS Nampoothiri)

O.A.No.95/2010

1. All India Postal extra Departmental Employees Union,
Alappuzha Division, KG Bose Bhavan, P&T House, Alappuzha
represented by its Divisional Secretary S.Jatheendran,
S/o Radhakrishnan, GDSMD, Chathurthyakiri, Mangombu,
Alappuzha.
2. N.Gopalakrishnan, S/o N Velayudha Kaimal,
GDSBPM, Kainakiri East, residing at Thekkekadappilly,
Karumady, Ambalappuzha-688 564. - Applicants

(By Advocate Mr M.R.Hariraj)

v.

1. Union of India represented by the
Secretary to Government of India,
Department of Posts, New Delhi.
2. Chief Post Master General,
Kerala Circle, Trivandrum.
3. Superintendent of Post Offices,
Alappuzha Postal Division,
Alappuzha. - Respondents

(Advocate Mr S Jamal, ACGSC)

O.A.No.98/2010

1. All India Postal Extra Departmental Employees Union,
Manjeri Division represented by its Divisional Secretary,
K.C.Sasidharan, S/o late Chathukutty,
residing at Kulathodiyil House, Kovilakam Kundu,
Manjeri.P.O., PIN: 676 121.
2. M.Sundaran, S/o late Koran,
GDSBPM, Pallathole, Cherukara,

Malappuram District-679 340.

- Respondents

(By Advocate Mr M.R.Hariraj)

v.

1. Union of India represented by the
Secretary to Government of India,
Department of Posts,
New Delhi.
 2. Chief Post Master General,
Kerala Circle, Trivandrum.
 3. Superintendent of Post Offices,
Manjeri Postal Division,
Manjeri.
- Respondents

(By Advocate Ms Deepthi Mary Varghese, ACGSC)

O.A.No.110/2010

1. All India Extra Departmental Employees Union,
Kasargod Division, Kasargod represented by its
Divisional Secretary, K Madhavan Nair,
S/o Kunhiraman Nair,
Vaichadukkam House, Kodoth, Kanhangad, GDSMD,
Kodoth Post, Kasargod District.
 2. K.A.Xavier, S/o Augustine,
Konduparambil House,
Padimaruth, GDS BPM, Padimaruth.P.O.
Kasargod District.
 3. A Krishnan, S/o Ambu Maniyam,
Kanimjundu House, Periya, Kanhangad,
GDSBPM, Periya.P.O., Kanhangad,
Kasargod District.
- Applicants

(By Advocate Mr P.K.Ravi Sankar)

v.

1. Union of India represented by its
Secretary, Department of Post,
New Delhi.
2. Assistant Director General GDS/PC,
Department of Post, New Delhi.

3. Chief Post Master General,
O/o the CPMG, Kerala Circle,
Thiruvananthapuram-695 033.
4. The Superintendent of Post Offices,
Kasargod Division, Kasrgod. - Respondents

(By Advocate Mr P.S.Biju, ACGSC)

O.A.No.114/2010

1. All India Postal Extra Departmental Employees Union
(AIPEDU) Palakkad Divisional Branch, Palakkad,
through its Secretary V Murugan, S/o Velayudhan,
Gramin Dak Mail Deliverer(GDSMD),
Cheramangalam.P.O., Meilarcod, Palakkad Dist.
2. K.Sivadasan, S/o Kannan,
Gramin Dak Sevak Branch Postmaster (GDS BPM),
Kollengode West.P.O. Kollengode, Palakkad Dist.
3. K.Rajan, S/o Kandelan,
Gramin Dak Sevak Branch Postmaster (GDS BPM),
Vavullapuram.P.O., Kavassery, Palakkad Dist. - Applicants

(By Advocate Mr TC Govindaswamy)

v.

1. Union of India represented by the
Secretary to Government of India,
Ministry of Communications & Information Technology,
(Department of Posts), Dak Bhavan,
Sansad Marg, New Delhi.
2. The Director General,
Department of Posts,
Ministry of Communications & Information Technology,
Dak Bhavan, Sansad Marg, New Delhi.
3. The Assistant Director General (GDS/PCC),
Department of Posts,
Ministry of Communications & Information Technology,
(Department of Posts), Dak Bhavan,
Sansad Marg, New Delhi.
4. The Chief Post Master General,
Kerala Circle, Thiruvananthapuram.
5. The Senior Superintendent of Post Offices,

Department of Posts,
Palakkad Division, Palakkad. - Respondents

(By Advocate Mr M.K.Aboobacker, ACGSC)

O.A.No.158/2010

1. All India Postal Extra Departmental Employees Union,
Kerala Circle represented by its
Circle Secretary D Sankaran Kutty,
P&T House, Thiruvananthapuram.
2. Simon.P.C.,
GDS BPM, Chemmannur,
Kanipayyur-650 517. - Applicants

(By Advocate Mr Vishnu S Chempazhanthiyil)

- v.
1. The Senior Superintendent of Post Offices,
Thrissur Division, Thrussur.
 2. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
 3. The Director General of Posts,
Department of Posts, Dak Bhavan,
Sansad Marg, New Delhi.
 4. Union of India represented by the Secretary,
Ministry of Communication & Information Technology,
Department of Posts, New Delhi-1. - Respondents

(By Advocate Mr Sunil Jacob Jose, SCGSC)

O.A.No.197/2010

1. All India Postal Extra Departmental Employees Union,
Thrissur Division, Thrussur represented by its
Divisional Secretary P.S.Baburaj,
S/o Sumbhan, Thrissur.
2. P.D.Narayanan, S/o Damodaran Nambeesan,
GDS BPM, Chemmanamthitta.P.O. Thrissur. - Applicants

(By Advocate Mr P Ramakrishnan)

v.

1. Union of India represented by Secretary to Government,
Department of Posts, New Delhi-110 001.
2. The Chief Post Master General,
Kerala Circle, Thiruvananthapuram.
3. The Superintendent of Post Offices,
Thrissur Postal Division, Thrissur. - Respondents

(By Advocate Mr George Joseph, ACGSC)

O.A.No.233/2010

1. All India Postal extra Departmental Employees Union,
Changanassery Division, Changanassery represented by
its Divisional Secretary Shri P.M.Johnson, S/o Markose,
GDS MD, Mundathanam.P.O.
Changanassery.
2. Ranjini, W/o Sureshkumar,
GDS BPM, Mundathanam.P.O.
Changanassery. - Applicants

(By Advocate Mr P.C.Sebastian)

v.

1. The Union of India represented by
Secretary to Government of India,
Ministry of Communications,
Department of Posts, New Delhi.
2. The Assistant Director General,
GDS/PCC), Ministry of Communications,
Department of Posts, New Delhi.
3. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
4. The Superintendent of Post Offices,
Changanassery Division,
Changanassery. - Respondents

(By Advocate Mr S Jamal, ACGSC)

O.A.No.312/2010

1. All India Postal Extra Departmental Employees Union,
Kannur Division, Kannur represented by its

Divisional Secretary, P.K.Shaji, S/o Kunhiraman,
GDSMD, Alakkode Post, Kannur Dist.

2. Rajan.C.P., S/o Balan Nambiar,
Chenicher Pallanjiattu House,
Ezhom Post GDSBPM, Sreestha.P.O.,
Kannur Dist. - Applicants

(By Advocate Mr P.K.Ravi Sankar)

v.

1. Union of India represented by its
Secretary, Ministry of Communications,
Department of Posts, New Delhi.
2. Assistant Director General GSD/PCC,
Department of Post, New Delhi.
3. Chief Post Master General,
O/o CPMG, Kerala Circle,
Thiruvananthapuram-695 033.
4. The Superintendent of Post Offices,
Kannur Division, Kannur. - Respondents

(By Advocate Ms Deepthi Mary Varghese, ACGSC)

O.A.No.349/2010

1. All India Postal Extra Departmental Employees Union,
Kannur Division, Kannur represented by its
Divisional Secretary, Muraleedhran, S/o T.P.Andikutty,
GDSMD, Thachampoyil Post, Calicut Dist.
2. P.T.Viswanathan, S/o Ramankutty,
GDSMD,
Thachampoyil Post, Calicut Dist. - Applicants

(By Advocate Mr P.K.Ravi Sankar)

v.

1. Union of India represented by its
Secretary, Department of Post,
New Delhi.
2. Assistant Director General GSD/PCC,
Department of Post, New Delhi.

3. Chief Post Master General,
O/o the CPMG, Kerala Circle,
Thiruvananthapuram-695 033.
4. The Senior Superintendent of Post Offices,
Calicut Division, Calicut-3. - Respondents

(By Advocate Mr George Joseph, ACGSC)

O.A.No.384/2010

1. All India Postal Extra Departmental Employees Union,
Mavelikara Division represented by its Divisional Secretary
Abdyl Rassac, S/o Aliyarukutty, GDSMD,
Kayamkulam-690 533.
2. P.G.Sreekumari, W/o N.C.Sivashankaran,
GDSBPM, Mampra, Chengannur-689 508. - Applicants

(By Advocate Mr M.R.Hariraj)

v.

1. Union of India represented by the
Secretary to Government of India,
Department of Posts, New Delhi.
2. Chief Post Master General, Kerala Circle,
Trivandrum.
3. Superintendent of Post Offices,
Mavelikara Postal Division,
Mavelikara. - Respondents

(By Advocate Mr MVS Nampoothiri, ACGSC)

This application having been finally heard on 2.6.2011, the Tribunal on
17-06-11 delivered the following:

O R D E R

HON'BLE Mr K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER

The above Original Applications having common facts and issues
are heard together and are disposed of by this common order.

2. O.A.No.78/2010 is treated as representative of all the O.As in this order. These O.As have been filed by the applicants alleging that revised Time Related Continuity Allowance (TRCA for short) and consequential benefits granted to them vide Annexure A-1 order dated 09.10.2009 upon the implementation of Natarajamoorthy Committee have been taken away by clarification issued vide Annexure A-3 Memorandum dated 10.12.2009 and challenging the direction to re-fix the pay of the applicants and to recover the excess amount paid. They have also prayed for a direction to continue to pay them the revised TRCAs as per Annexure A-1 with effect from 1.1.2006 with all consequential benefits.

3. The applicants are GDS Branch Postmasters. They were allowed first TRCA upto the workload of 75 points and second TRCA for workload exceeding 75 points. The workload of Branch Postmaster is assessed on point system based on the average workload per month. The Natarajamoorthy Committee felt that the Branch Postmasters should be duly compensated for the extra work done by them so as to act as a catalyst to perform upto to their full potential. The Committee recommended 5 slabs in TRCA corresponding to 75 points, 87.5 points, 100 points, 112.5 points and 125 points workload. Accordingly, workload of the applicants were assessed and their TRCA was fixed in the new slabs. Subsequently, vide letter No.6-1/2009-P.E.II dated 10.12.2009 clarifying that the existing incumbents may be placed in the replacement TRCA slabs corresponding to the pre-revised TRCA. New TRCA slabs corresponding to 87.5 points, 112.5 points and upto 125 point in respect of

GDS Branch Postmasters have to be assessed afresh with reference to the workload. In implementation of the above clarification, a revised list of TRCA scale in respect of the applicants is prepared with no change of workload points. But the TRCA already fixed has been altered to their detriment. Hence the O.A.

4. The applicants submit that the revised fixation of TRCA on the basis of the clarification causing reduction in the TRCA without notice and without affording them an opportunity of being heard is illegal and arbitrary. The instructions given in the clarificatory letter can only be construed as instruction given to those authorities who have not already undertaken the assessment of workload. The Divisional Heads are not authorised to reduce the new slab and TRCA fixed for any reason whatsoever. The reduction of TRCA has been ordered in total breach of the principles of natural justice. The workload assessed before and after the revision of TRCA continues to be the same. Therefore, reduction of TRCA is contrary to and in violation of Annexure A-1 order dated 9.10.2009 (wrongly stated as 27.10.2009 in the O.A) of the Department of Posts.

5. The respondents in their reply statement submitted that the Natarajamoorthy Committee recommended the following TRCA slabs:

Category of GDS	Existing TRCA	Revised TRCA	Workload	Workload in hours
GDS Branch Postmaster		w.e.f.1.1.2006	In points	
	Rs.1280-35-1980	Rs.2745-50-4245	75 points	Upto 3 hours
	<u>New TRCA Slab</u>	Rs.3200-60-5000	87.5 points	More than 3 hours upto 3 hrs 30 m
	Rs.1600-40-2400	Rs.3660-70-5760	100 points	Upto 4 hours
	<u>New TRCA Slab</u>	Rs.4115-75-6365	112.5 points	More than 4 hours upto 4 hours 30 min.
	<u>New TRCA Slab</u>	Rs.4575-85-7125	Upto 125 points	More than 4 hours 30 min upto 5 hours

The Committee further recommended that TRCA in respect of GDS engaged upto 31.12.2005 may be fixed in the corresponding stage with effect from 1.1.2006 as indicated in the respective tables and that TRCA for new incumbents engaged on or after 1.1.2006 may be fixed at the minimum of the revised TRCA from the dates of their engagement. The Committee had clearly mentioned that the TRCA slabs of Rs.2745-4245, Rs.3660-5760 are replacement scale of pre-revised TRCA of Rs.1280-1980 and Rs.1600-2400 respectively. The intention of the Committee for introducing the new slabs was made clear in para 10.15(a) of the report and was to the effect that new slabs introduced for 3.5 hours and 4.5 hours and 5 hours for prospective effect and for future revision of the TRCA after fresh assessment of workload. But there is no fresh assessment of workload. There was an error on the part of the 1st respondent in studying

and appreciating the O.M dated 9.10.2009 and this error in judgment has resulted in passing on unintended benefit of granting new slabs to the applicants for which they were not eligible. The respondents were fully within their right to issue the impugned orders correcting the anomaly caused so as to prevent the applicants from getting undue benefits not envisaged by the O.M dated 9.10.2009. The applicants had given a declaration while taking payment of arrears that they are willing to refund excess payment, if any, in future if such instances are noticed. Therefore, they are estopped from saying that such excess payment should not be recovered from them. The error in effecting payment happened only in 15 of the 24 Postal Divisions in the Kerala Circle.

6. We heard learned Senior Counsel Shri O.V.Radhakrishnan, Shri M.R.Hariraj, Shri P.K.Ravi Sankar, Shri Vishnu S Chempazhanthiyil, Shri TC Govindaswamy, Shri Shafik M.A and Shri P.C.Sebastian on behalf of the applicants and learned SCGSC Shri Sunil Jacob Jose, learned ACGS Counsel Ms Deepthi Mary Varghese, Shri George Joseph, Shri MVS Nampoothiri, Shri M.K.Aboobacker, Shri P.S.Biju, Shri S.Jamal, ACGSC, Shri A.D.Raveendra Prasad, and Shri Varghese P Thomas on behalf of the respondents

7. The issues to be decided in these O.As are (i) whether the applicants are entitled to the new slabs of TRCA as first fixed in the 15 Divisions in the Kerala Postal Circle or not and (ii) whether the revised TRCA slabs dated 5.1.2010 and consequential recovery are legal or not.

8. The Natarajamoorthy Committee recommendations on the wage structure of GDSBPM were accepted by the Government of India as per O.M. Dated 9.10.2009. Accordingly fitment to be allowed to GDS working as on 31.12.2005 were as under:

Sl.No.	Category of GDS	Pre-revised TRCA	Revised TRCA w.e.f. 1.1.2006	40% fitment to be allowed
1	GDS Branch Post Master(75 points workload)	Rs.1280-35-1980	Rs.2745-50-4245	Rs.792
2	GDS Branch Postmaster(more than 75 points workload)	Rs.1600-40-2400	Rs.3660-70-5760	Rs.960

However, in Annexure A-1 to the said O.M. revised TRCA corresponding to workload was shown in 5 slabs as under:

S.No.	Category of GDS	Existing TRCA	Revised TRCA w.e.f. 1.1.2006	Workload in points	Workload in hours
	GDS Branch Postmaster	Rs.1280-35-1980	Rs.2745-50-4245	75 points	Upto 3 hours work
		New TRCA slab	Rs.3200-60-5000	87.5 points	More than 3 hours upto 3 hrs.30 min
		Rs.1600-40-2400	Rs.3660-70-5760	100 points	Upto 4 hours
		New TRCA slab	Rs.4115-75-6365	112.5 points	More than 4 hours upto 4 hour 30 min

S.No.	Category of GDS	Existing TRCA	Revised TRCA w.e.f. 1.1.2006	Workload in points	Workload in hours
		New TRCA slab	Rs.4575-85-7125	Upto 125 points	More than 4 hrs 30 min upto 4 hours

Illustrations for fixation of TRCA in the new slabs in respect of GDSBPM with workload of 75 points and more than 75 points given in Annexure IV (B) and IV-C) respectively as under:

Annexure-IV(B)

Category of GDS	Pre-revised TRCA	Revised TRCA w.e.f. 1.1.2006
GDS Branch Postmaster with workload at 75 points assuming date of joining as 1.2.2001	Rs.1280-35-1980	Rs.2745-50-4245

1	Assuming Basic TRCA as on 1.1.2006	Rs.1420
2	5% increase (basic TRCA as on 1.4.2004 Rs.1385 and 5% increase on Rs.1385)	Rs.69
3	Total (1+2)	Rs.1489
4	Dearness Allowances @ 74% on Rs.1489 as on 1.1.2006	Rs.1102
5	Add fitment	Rs.792
6	Total (3 + 4 + 5)	Rs.3383

Fixation in the new Slab

TRCA fixed as on 1.1.2006 at the next above stage in the slab of Rs.2745-50-4245 (in the next above stage of Rs.3383 arrived at Sl.No.6 above)	Rs.3395
Total TRCA with Annual increase on 1.1.2007	Rs.3395+Rs.50 = 3445
Total TRCA with Annual increase on 1.1.2008	Rs.3445 +Rs.50= 3495
Total TRCA with annual increase on 1.1.2009	Rs.3495+Rs.50 = 3545

Annexure-IV(C)

Category of GDS	Pre-revised	Revised TRCA w.e.f. 1.1.2006
GDS Branch Postmaster with workload of more than 75 points assuming date of joining as 1.7.2004	Rs.1600-40-2400	Rs.3660-70-5760

1	Assuming TRCA as on 1.1.2006	Rs.1640
2	5% increase on minimum of TRCA i.e. Rs.1600	Rs.80
3	Total (1+2)	Rs.1720
4	Dearness Allowance @ 74% on Rs.1720 as on 1.1.2006	Rs.1273
5	Add fitment	Rs.60
6	Total (3 + 4 + 5)	Rs.3953

Fixation in the new slab

TRCA fixed as on 1.1.2006 at the next above stage in the slab of Rs.3660-70-5760 (in the next above stage of Rs.3953 arrived at Sl.No.6 above)	Rs.3395
Total TRCA with Annual increase on 1.1.2007	Rs.4010+Rs.70 = 4080
Total TRCA with Annual increase on 1.1.2008	Rs.4010 +Rs.70= 4150
Total TRCA with annual increase on 1.1.2009	Rs.4150+Rs.70 = 4220

9. Although 5 slabs are shown in Annexure A-1 in the OM fitment to be allowed is shown in respect of 2 existing slabs only. The 3 new slabs are conspicuous by their absence in the OMs as well as in the illustrations given for fixation of TRCA. They should not have escaped the notice of the respondents incharge of the 15 Divisions. They should have shown the good sense of asking clarification from higher authorities as their counterparts in U.P did.

10. In Annexure A-2 dated 29.10.2009 issued by the Senior Superintendent of Post Offices, Aluva Division, workload of GDS in points is absent and workload hours shown is obviously wrong. In Annexure A-4 too workload in point shown in place of 75 points and above 75 points are quite irrelevant for replacing the two pre-revised TRCA slabs by the two revised TRCA slabs in respect of GDSBPM, for the workload is to be subjected to fresh assessment. These defects certainly merited

rectification.

11. How the new slabs of GDSPM have to be implemented is not shown in the O.M dated 9.10.2009. Therefore, a clarification dated 10.12.2009 was issued as under:

"2. It is clarified that the existing incumbents may be placed in the replacement TRCA slabs corresponding to the pre-revised TRCA. New TRCA slab corresponding to 87.5 Points, 112.5 points and upto 125 points in r/o GDS Branch Postmasters has to be assessed afresh with reference to the workload."

For the purpose of implementing O.M. Dated 9.10.2009 in respect of GDSBPM the clarification issued is to be read into it by the implementing authorities concerned.

12. The applicants do not challenge the clarificatory letter of 10.12.2009, instead, they contend that they have already been assessed that fresh assessment is meant only for those who have not been assessed. This argument is specious and unacceptable. Fresh assessment is the assessment based on the new point system. The applicants have been assessed on the existing point system. Para 10.15(a) and para 10.16, and 10.16.1 of the report of the GDS Committee are relevant at this juncture:

"10.15(A) Gramin Dak Sevaks Branch Postmasters

Presently BPMs are engaged generally for duration of 4 Hrs. and upto 5 Hrs depending on the workload. They have been allowed 1st TRCA upto workload of 3 hours i.e. Upto 75 points and 2nd TRCA for a workload exceeding 75 points. The workload of the BPM is assessed on point system taking into account the average workload per month.

The Committee feels that GDS Branch Postmasters should be duly compensated for the extra work done by them

and they need to be paid incentives to perform upto full potential. Graded remuneration for every half an hour workload above 3 hours and upto 5 hours is recommended.

The GDS committee recommends 5 TRCA's corresponding to 75 points, 87.5 points, 100 points, 112.5 points, and 125 points of the workload.

<i>Sl.No.</i>	<i>No. of Hours</i>	<i>Points</i>	<i>Minimum TRCA arrived at based on hourly rate</i>
1	3 hours (upto 3 hrs.)	75	Rs.2745/-
2	3 hours 30 min. (more than 3 hrs. and upto 3 hrs. 30 min)	87.5	Rs.3200
3	4 hours (more than 3 hrs. 30 in. upto 4 hrs.)	100	Rs.3660/-
4	4 hours 30 min (more than 4 hrs. upto 3 hrs. 30 min.	112.5	Rs.4115/-
5	5 hours (more than 4 hrs. 3 min. upto 5 hrs.	125	Rs.4575/-

10.16 Assessment of workload of Branch Office

Workload of Branch Post Office may be assessed w.r.t. the new workload norms for handling of cash and stamps sale. The present norm of one Point for Rs.1000 cash handled per month was introduced in 1958. The cost of index has gone up since 1957 by 31 times as shown below:

Consumer Price Index (Industrial Workers):

<i>Sl.No.</i>	<i>Base Year</i>	<i>CPI for Industrial workers</i>	<i>Linking Factor</i>
1	1949	100	
2	1960	-	1.22
3	1982	-	4.93
4	2001	-	4.63
5	April 2008	138	

Devaluation of Rs.100 with respect to the base year 1960

= $138 \times 4.63 \times 4.93$

= Rs.3149/-

Devaluation of Rs.1000 with respect to base year 1960

=Rs.31490)31.49 times)

10.16.1 New denominations of currency notes viz. Rs.500, Rs.1000 have been introduced. New time factors for counting cash have been introduced for departmental Post Office. Internal work study unit has undertaken a study for formulating new time factor for assessing the workload of the BPM including the time factor for counting of cash. The committee feels that keeping in view the escalation in the price index and introduction of higher denomination currency notes, the time factor of 1 Point for Rs.1000 may be revised to 1 Point for Rs.20,000 on purely adhoc basis till a work study is completed. However, the other time factors for giving cash to the GDS MD and taking unpaid cash, cash received through account bag, remittance to account office, disbursement of pay etc. as applicable to the Departmental offices can be adopted here also. In regard to stamp sales, the standard may be revised to Rs.60/- per month for earning 1 point of workload. This is also suggested on adhoc basis and the Committee recommends to the Department for taking up a work study for evolving norms for all the transactions including stamp sale done at the Branch Post Office."

13. The GDSBPMs are compensated for the extra work done by them and are paid incentives to perform upto full potential through remuneration for every half an hour workload above 3 hours. For this purpose 5 TRCAs as above have been recommended. As per the revised TRCAs corresponding to workload given in Annexure A-1 to O.M dated 9.10.2009 two are existing TRCAs, revised from scale to scale and 3 are totally fresh TRCAs newly introduced. Further, the committee recommended revision of work norms from one point in Rs.1000/- cash per month which was introduced way back in 1958, considering the fact that the cost of index has gone up 31 times since 1957 and introduction of high documentation of currency notes to Rs.20,000/- on ad hoc basis till a work study is completed. In regard to stamp sales, that standard may be raised to Rs.60/- per month for every one point of work load. Other time factors are to be revised as applicable to the departmental offices. Higher TRCAs are

accepted with new work norms for assessing the workload. Higher pay scales are invariably linked to higher work out put. The committee has recommended for a fresh assessment of the workload based on a new point system along with higher TRCA. Through the clarificatory letter, government has made it clear that fresh assessment will have to be made for implementing the new slabs. In the 15 Divisions of Kerala Circle the 3 new TRCA slabs were put into effect based on the existing workload points. This is clearly not consistent with the O.M dated 9.10.2009 read with the clarificatory letter dated 10.12.2009. The 3 new slabs of TRCA fixed in the 15 Divisions before the clarificatory letter have no legs to stand on. As these 3 new slabs were fixed not on fresh assessment of workload based on the new point system, the applicants are not entitled to them. As and when fresh assessment of workload is made based on new point system, they will be entitled for the new TRCA slab, as per their eligibility.

14. However, the existing GDSPMs will get 2 replacement scales as on 1.1.2006 irrespective of any reduction in their workload points in the fresh assessment to be made later. The respondents have stated in their reply *"In other words, there will not be any reduction in the allowances of existing GDS, while (there) could be increase in the allowances based on eligible higher slabs on periodical review"*. Therefore, even in the absence of and irrespective of fresh assessment, the applicants are assured higher TRCA with effect from 1.1.2006.

15. The wrong fixation of TRCA has taken place only in 15 Divisions out of 440 Divisions in the country. This must have happened due to misinterpretation in good faith or inadvertently. Such a mistake on the part of the concerned respondent officials cannot crystallise any legal right for the applicant to claim unintended and undue benefits to them. The letter of 10.12.2009 clarifies; it does not alter the O.M dated 9.10.2009. The clarificatory letter was not issued for the applicants alone but for all GDSBPM throughout India whose workload was more than 75 points as on 1.1.2006. Hence it is not arbitrary, unjust or illegal. On the other hand, if it is not made applicable to them, then it would be discriminatory to the rest of the GDSBPMs in India.

16. We do not find any merit in the argument that Divisional Heads are not authorised to reduce new slab and TRCA fixed for any reason, whatsoever. Necessarily they will have to and are authorised to correct the mistake they have committed on the strength of the clarificatory letter.

17. The question of giving notice and opportunity of being heard before correcting a mistake that happened inadvertently in fixing new TRCA within a short span of 2 months or so is not relevant in the instant case because no right has crystallised for the applicants for undue benefits. The principles of natural justice are violated only when a right is infringed, without notice and without an opportunity of being heard. The respondents were under pressure to implement the revised TRCAs by 31.10.2009, with retrospective effect from 1.1.2006 to meet the expectations of the GDSs.

It is only natural that some mistakes can happen in fixing the new TRCAs. If correcting an inadvertent mistake leads to litigation, the safe course for the respondents is to make sure that no mistake happens, even if it leads to delay in the implementation of the new TRCAs. This will not be in the interest of the GDS BPMs.

18. The workload of the applicants assessed before and after the revision not only remains the same but also wrong and irrelevant because it is not based on a new point system and the first assessment as pointed out earlier is defective too. The reduction in the TRCAs of the applicants is not in violation but in accordance with the OM dated 9.10.2009 read with the clarification dated 10.12.2009. Only these two documents are valid to confer any right on the applicants. Any order issued which is inconsistent with them is null and void. Therefore the respondents are fully within their right to recover the excess amount paid to the applicants on account of incorrect and invalid fixation. The applicants do not have a right to retain the excess amount paid. Moreover, the applicants had given an undertaking that any excess payment found to have been made as a result of incorrect fixation of TRCA would be refunded to the Government. The decision of the Principal Bench of this Tribunal in O.A.283/2003 dated 13.9.2004, and the decision of the Hon'ble High Court of Kerala in W.P.(C) No.437/1993 confirmed by the Hon'ble Supreme Court in the case of **O.K.Udayasankar and others v. Union of India and others** [1996 AIR 1901, JT 1996(4) 420] uphold the respondents right to effect recovery of excess payment made. No hardship will be caused to the applicants on

account of recovery as they will get higher emoluments on account of the revised replacement scales of TRCA from 1.1.2006 onwards.

19. As discussed above, none of the contentions of the applicants is tenable in the eyes of law. The applicants are not entitled to the new slabs of TRCA as fixed in the 15 Divisions without fresh assessment of workload on the basis of new point system. The revised TRCA slabs dated 5.1.2010 and consequential recovery are legal and valid. In the result, the O.As are dismissed with no order as to cost. Consequently, the interim orders already granted on various dates in the above O.As against reduction in TRCA stand vacated.

K.GEORGE JOSEPH
ADMINISTRATIVE MEMBER

JUSTICE P.R.RAMAN
JUDICIAL MEMBER

trs