

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. NO. 340/2011

This the 04th day of December, 2012

CORAM:

HON'BLE DR.K.B.S RAJAN, JUDICIAL MEMBER
HON'BLE MS.K NOORJEHAN, ADMINISTRATIVE MEMBER

B.Sreejith, S/o G.Bhasi, Postman, Karunagapally H.O
R/o Sreebhavan, Kovor, Arinallur, Kollam - 690538.

- **Applicant**

(By Advocate Mr.V.Sajith Kumar)

Versus

1 Union of India, Rep. by the Secretary to the Govt.
Ministry of Communications, Deptt. Of Posts
Govt of India, New Delhi - 110 001

2 The Chief Post Master General, Kerala Circle,
Thiruvananthapuram - 695 101

3 Senior Superintendent of Post Office, Kollam
Postal Division, Kollam - 691 001

- **Respondents**

(By Advocate - Mr.Thomas Mathew Nellimoottil)

The application having been heard on 14.11.12, the Tribunal delivered the following:

ORDER

HON'BLE Ms K NOORJEHAN, ADMINISTRATIVE MEMBER

The applicant is aggrieved by the denial of higher TRCA for the period he worked as GDSMD-II at Mynagapally North Branch Office.

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2 The applicant is presently working as Postman under the respondents. He was denied the permissible TRCA from 10.8.2005 to 30.9.2009 for the period he worked as GDSMD-II. On his representation to the 3rd respondent his TRCA was revised in the month of October 2009 whereas arrears of TRCA from the due date was not paid. From 28.11.2009, the applicant was promoted as Postman. He avers that on his appointment as GDSMD at Mynagapally North B.O from 19.6.2001 the TRCA attached to GDS MD was Rs.1375-25-2125. However w.e.f 10.8.2005 he was entrusted with additional work of carrying Mail Bag on account of abolishing the post of GDSMC, Mynagapally. By Anxx.A1 Memo dated 9.8.2005 issued by the Inspector of Post, Karunagapally the entire mail conveyance work was entrusted to the applicant. He was working for more than 5 hours. On 10.1.2007 the work of mail conveyance was distributed between the two GDSMDs of the B.O. The applicant requested for enhancement of TRCA for the additional work entrusted to him. On his request under RTI, the 3rd respondent intimated the workload separately for GDS MD and mail conveyance. This document establishes that the work load of GDSMD-1 and GDSMD-11 exceeds 3 hrs and 75 mts for combined work of mail conveyance and mail delivery. The time for mail conveyance was assessed as 73 mts and that for delivery work as 2hrs 57 mts for GDSMD-11. Even after furnishing this information his TRCA was not revised from Rs.3363/- to Rs.5655/-, August 2005 but only from 2009 onwards. On enquiry it was learned that he was paid the arrears of TRCA from the due date of implementation of the 6th Pay Commission. He made an attempt to get the details



of TRCA fixed for GDS MD II as a result of implementation of Natarajamurthi Commission through RTI. It shows that he was not granted the higher TRCA w.e.f 01.01.2006 as is seen from the details at Annexue A-8.

3 The respondents in their reply statement submitted the establishment of Mynagapally Branch Post Office consisted of a Branch Postmaster, Gramin Dak Sevak Mail Deliverer-I (GDS MD-I), Gramin Dak Sevak Mail Deliverer-II (GDS MD-II) and a Gramin Dak Sevak Mail Carrier (GDS MC). The applicant was working as Gramin Dak Sevak Mail Deliverer-II (GDS MD-II) Mynagapally North BO in the lower Time Related Continuity Allowance (TRCA) with effect from 21.06.2001. His work load came to 2 hrs and 57 mts and he was placed in the applicable TRCA. Consequent on the abolition of the post of GDSMC on 10.8.2005, the duty of mail conveyance was entrusted to the applicant. Based on the additional duty, proposal for enhancing the TRCA was taken up with the office of the 2nd respondent by Annx.R1. On a detailed examination of the work load of the two delivery staff of the GDS attached to Mynagapally BO which is under non-congested area the total work load of GDSMD-I comes to only 2 hrs and 58 mts, which is far below the slab fixed to justify payment of higher TRCA. Hence it was ordered by the 2nd respondent by letter dattd 12.12.2006 to entrust the duty of one way mail conveyance to GDSMD-I so that his work load would increase by 55 mts which would justify the higher TRCA paid to him (Annx.R2). Accordingly one way mail conveyance was entrusted to GDSMD-I w.e.f 10.1.2007. No order was issued for

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revision the allowance of GDSMD-II i.e. in favour of the applicant. Meanwhile the applicant was promoted as Postman from 27.11.2009. They further averred that the Inspector of Posts, Karunagappally sub Division issued Memo wrongly dated as 12.10.2009 instead of 15.12.2009 thereby the applicant was erroneously paid the higher TRCA in the month of October 2009. Annx.A3 memo clearly testifies the fact that it was issued on 15.12.2009 instead of 12.10.2009. Therefore, it is clear that there was no revision of TRCA while the applicant had served as GDSMD-II at Mynagappally North BO. It is also averred that consequent on abolition of the post of GDSMC, the duty of bag conveyance was entrusted to the applicant for a short period of time. However by Annx.R2, one way mail conveyance was entrusted to GDSMD-I, reducing the work load of the applicant.

4 Applicant filed rejoinder reiterating the facts as stated in the O.A. He further submitted that the observation of respondent in Annx.R2, that the area is less congested is factually incorrect. The population of Mynagappally North BO with an area of 24.42 Sq.Kms is 39336 as per 2011 census As per departmental instructions, a population of 1000 per Km is treated congested. He avers that the information received under RTI Act reveals that the delivery work of GDSMD-II comes to 2 hours and 57 minutes. Even if 55 minutes is only required for mail conveyance work, the work load will come to 3 hours and 53 minutes justifying higher TRCA (Annexure A-9). As a matter of fact even after delinking one way mail conveyance GDSMD-II post has 4 hours 10 minutes as per the statistical data. The mere fact that competent authority failed to revise the allowance at

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the right time is not a justification for denying the legitimate right of the applicant for eligible TRCA.

5. The respondents filed additional reply statement, enclosing extract of 2001 census figures for Mynagapally and workload of GDS MD I and II.

6. The applicant filed additional rejoinder and produced Annexure A-10 clarification issued by Postal Training Centre, Mysore regarding treatment of areas as congested and less congested based on population.

7 Heard the learned counsel for the parties and perused the record.

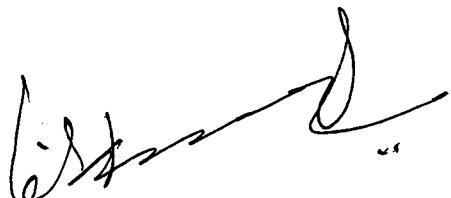
8. The point of consideration is whether the applicant is entitled for TRCA on the basis of increased workload on implementation of Natarajamurthi Commission Report w.e.f 01.01.2006. The respondents have contended that Mynagapally is a less congested area, the workload of the applicant as GDS MD II comes to 2 hours for mail delivery and 55 minutes for mail conveyance. Per contra the applicant has produced Annexure A-10 which is a clarification issued by Postal Training Centre, Mysore stating that if a place to be treated as congested area the population is 2500 per Sq.mile instead of 2500 per Sq.km. Going by the 2001 census figure of Mynagapally, the population is 39336 for an area of 19 kms. Therefore, Mynagapally will come under the definition of congested area. Once

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the time factor of congested area is applied the applicant's workload will come to 2 hours and 57 minutes for mail delivery and 55 minutes for mail conveyance. The counsel for the applicant pointed out during the final hearing that in Annexure R-7 the earlier calculation of workload was corrected taking Mynagapally as non-congested area. Therefore, by taking the workload as 2 hour for mail delivery and 55 minutes for mail conveyance as contended by the applicant, his workload exceeds 3 hours 45 minutes which entitles him to the higher TRCA. In this view of the matter, we declare that the applicant is entitled to higher TRCA from 01.01.2006 i.e; the date of implementation of the Natarajamurthi Commission Report.

9. In the result, the respondents are directed to grant higher TRCA to the applicant with effect from 1.1.2006 to 26.11.2009, within a time frame of 3 months. The Original Application is allowed. No costs.


(K. NOORJEHAN)
ADMINISTRATIVE MEMBER


(DR K. B. S RAJAN)
JUDICIAL MEMBER

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