

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH,
LUCKNOW**

**Original Application No.63/2011
This the 21st day of September 2012**

Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

1. Suryabhanu Singh aged about 57 years, son of Late Shiv Bahadur Singh, resident of village & post Sadipr, Tahsil Musafirkhana, District Chhatrapati Sahu ji Mahraj Nagar.
2. Ram Lallan Maurya, aged about 58 years, son of Shri Ram Sahay, resident of village and post Pichhaura, Tahsil Gauriganj, District Chhatrapati Sahu Ji Mahraj Nagar.

...Applicants.

By Advocate: P.S. Somvanshi.

Versus.

1. Union of India through Secretary, Ministry of Information & Technology Government of India, New Delhi.
2. Chief Post Master General, U.P. Circle, Lucknow.
3. Superintendent of Post Officer, Sultanpur.
4. Inspector of Post Office, Sultanpur (W).

.... Respondents.

By Advocate: Sri Deepak Shukla holding brief for Sri S.K. Awasthi.

ORDER (Oral)

By Hon'ble Mr. Justice Alok Kumar Singh, Member (J)

Heard. This O.A. has been filed by two applicants jointly for the following reliefs;-

- (i). To direct the opp. parties to pay TRCA for the post of GDSMD and TRCA for that working period which is more than five hours each and every month and also pay arrears of TRCA w.e.f. 1.1.2006.
- (ii). Any other order or direction in which this Hon'ble Tribunal may deem fit and proper under the

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facts and circumstances of the case may also be passed in favour of the applicant/petitioner.

(iii). Allow the original application with cost.”

2. The contention of behalf of the applicants is that they are performing the work of both mail work and Delivery work and their working comes to more than 5 hours. In support of the contention the information has been gathered under Right to Information Act vide letter dated 13.4.2010 (Annexure-3 and 4) which has been brought on record. A careful perusal of these annexures reveals that it is only in the case of applicant no.1 that he is performing more than five hours of working in both the capacities. The total performance of work in respect of working of other applicant i.e. Ram Lallan Maurya is within five hours as per information itself.

3. It has been fairly conceded that after filing of this O.A. TRCA has been paid in August, 2012 upto five hours of working.

4. From the other side, it is pointed out that no TRCA is specified for EDDA-cum-EDMC. Here it would be relevant that EDDA is now called GDSMD. As per Electrostat copy of the extract of Swamy's Postal Gramin Dak Sevak as mentioned in point no.4 under the heading Clarification the TRCA of the post which has the higher proportion of workload may be applicable to EDDA-cum-EDMC. The higher proportion of workload will be decided on the basis of the prescribed norms as laid down in existing instructions.

5. There is no other circular available on the point.

6. Coming back to the case of the applicants the work load of both the applicants as averred in para 4 of the counter affidavit is as under;-



"that the work load of Sri Ram Lalal Maurya is:-

As mail work- for 2 hrs and 35 Minutes

As delivery work- for 2 Hrs and 31 Minutes and the work load of the other applicant Sri Surya Bhan Singh (GDS MC/MD) at Sadiput is:-

As mail work-for 3 Hrs and 35 Minutes.

As delivery works-2 Hrs and 53 Minutes."

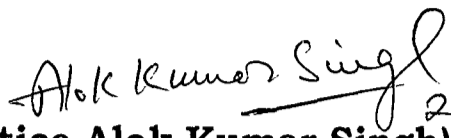
7. This paragraph has been replied in para-5 of the rejoinder affidavit by saying that the contents of paragraph 4 of the counter affidavit need no comments. In other words above details are admitted by the applicant.

8. Now therefore, in view of the existing circular, TRCA has to be paid on the post, which was having higher proportion of the work load as already discussed in para 4 of this order. In case of both the applicants the higher proportions of the work load was in respect of mail work. In para-7 of the counter affidavit, it has been specifically averred that upto 5 hours, the higher slab is 3635-65-5585-Rs. As such TRCA to both the applicants have been correctly fixed. This paragraph has been replied in paragraph 8 of the rejoinder affidavit, saying that averments are misconceived and that both the applicants are performing more than 5 hours but receiving less TRCA. But it has not been clarified as how the above averments are misconceived and in the absence of any circular or O.M. how TRCA can be paid for more than 5 hours of work.

9. In view of the fact and circumstances and having regard to the existing instructions on the point, it appears that claim of both the applicants are misconceived. Under the existing circular and provisions the respondents cannot pay TRCA for more than 5 hours.

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10. Finally, therefore, this O.A. is dismissed having no merit. No order as to costs.


(Justice Alok Kumar Singh) 21.9.12
Member (J)

Amit/-