

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO: 367/2000

DATE OF DECISION: 4/12/2000

Smt.Smita Arun Kulkarni & 3 Ors.

Applicant.

Shri S.P.Kulkarni

Advocate for
Applicant.

Versus

Union of India

Respondents.

Shri V.S.Masurkar

Advocate for
Respondents.


CORAM:

Hon'ble Shri B.S.Jai Parmeshwar, Member(J)

Hon'ble Smt. Shanta Shastry, Member(A)

1. To be referred to the Reporter or not?
2. Whether it needs to be circulated to
other Benches of the Tribunal?
3. Library.

X


(B.S. JAI PARMESHWAR)
MEMBER(J)
4/12/2000

abp

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:367/2000
DATED THE 4th DAY OF DEC. 2000**

**CORAM:HON'BLE SHRI B.S.JAI PARMESHWAR, MEMBER(J)
HON'BLE SMT.SHANTA SHASTRY, MEMBER(A)**

1. Smt.Smita Arun Kulkarni,
R.L.O. G.P.O.BLDG, Mumbai 400001.
residing at B-2, Sai Vikas Jivdani
Road, P.O.Virar, Dist.Thane.
2. Shri Prakash Somaji Nadekar,
R.L.O. G.P.O.Bldg.,Mumbai 400001
residing at Atadigaon, Ambivali,
Post :Mohane, Tal.Kalyan,
Dist:Thane.
3. Shri Milind Ambuji Wani,
Asst. R.L.O., G.P.O., Bldg,
Mumbai 400001.
residing at 12/847, Abhudaya Nagar,
Mumbai 400 033.
4. Branch Secretary, All India
Postal Employees Union,
Class III, R.L.O. Mumbai 400 001.

... Applicants

By Advocate Shri S.P.Kulkarni

V/s.

1. Union of India,
Through Chief Post Master General,
Maharashtra Circle, Old GPO Bldg,
2nd Floor, Fort,
P.O.Mumbai - 400 001.
2. Assistant Director(Technical),
Office of the Chief Postmaster General,
New Admn. Bldg., 5th Floor,
GPO Annexe, P.O.Mumbai 400001.
3. The Director General(Posts),
Deptt. of Posts, Dak Bhavan,
Parliament Street, P.O.,
New Delhi - 110 001.

... Respondents

:2:
(ORAL) (ORDER)

Per Shri B.S.Jai Parmeshwar, Member(J)

Heard Shri S.P.Kulkarni, Learned counsel for the Applicant and Shri V.S.Masurkar, Learned Standing Counsel for the Respondents.

2. The Applicant Nos.1 to 3 are working in the R.L.O., GPO Building Bombay. Applicant No.4 is All India Postal Employees Union, Class-III, R.L.O., Mumbai.

3. Prior to 31/5/2000, the working hours of the RLO office, Mumbai was 5days a week, daily 9.30 a.m. to 6.00 p.m.

4. By order dated 30/5/2000, which^{is} at Annexure A, page-9 of the OA issued by the Assistant Director(Tech), Office of the Chief Post Master General, Maharashtra Circle, issued instructions which reads as follows:-

It is therefore ordered by the competent authority that the RLO Mumbai will henceforth observe 6 days week on par with the operative offices. The working hours of the RLO from Monday to Saturday will be from 10.00 A.M. to 6.00 P.M. These orders will be effective from 1/6/2000.

5. It appears at that time the Secretary of Applicant No.4 was not available, hence they sent a telegram to maintain the earlier working hours.

6. The applicants have filed this OA for the following reliefs:-

- 8(a) This Hon'ble Tribunal be pleased to call for the relevant file to ascertain if the proper and fair procedure was followed before issue of impugned orders.
- (b) Hold and declare that impugned order at Ex.A & B notifying change in working hours and working days as arbitrary and contrary to rules and procedures.
- (c) Hold and decalre that orders of Directorate Treating R.L.O. as Operative Office (issued in 1982) does not necessitate change in working hours/days.

:3:

- (d) Quash and set aside orders dated 30/5/2000 & 25/5/2000 giving effect to change in working hours/days (Ex.A & B).
- (e) Direct Respondent to defer giving effect to impugned order till final outcome of O.A.

7. The respondents have filed a written statement dated 16/6/2000 and Sur-rejoinder dated 19/10/2000. The applicants have filed a rejoinder to the reply.

8. The respondents in their written statement submit that the work load of the RLO, Mumbai was more and that depending upon the work load, they felt it proper to change the working hours to six days a week by the impugned order. Further they submit that the Assistant Director(Tech) is competent and moreover the RLO is an operative office and on this score the applicants cannot compare their working hours with the administrative offices. Thus they make the distinction between the administrative offices and the operative offices.

9. In the Sur-rejoinder they submit that the main function of RLO is to deal with the public mail, and in the interest of public, they have taken a decision to change the working hours.

10. The Learned Counsel for the applicant during the course of the arguments submitted that the RLO, Mumbai was observing 5day week since 1982. ^{and that} there was absolutely no reason to change the working hours of RLO w.e.f. 1/6/2000. They are covered by Sub-rule 2 of Rule 389 of the Post and Telegraph Manual which reads as follows:-

2. The Returned Letter Offices will observe the same Holidays as are observed by P & T Administrative Offices of the Circle.

11. Further unless the rule is amended, the respondents are not eligible to change the working hours. Thus, he submitted that the impugned order dated 30/5/2000 is illegal and arbitrary.

12. As against this the learned counsel for respondents brought to our notice page-44 wherein the list of articles received in the RLO during the month of May 2000 is enclosed. As per this letter, the approximate receipt of postal articles during the month is 2,86,271 and disposed of articles during the month was 1,93,967. Further articles to the tune of 19,09,825 were lying pending in the office. Thus the learned counsel for the respondents submitted that change of working hours was felt absolutely necessary. Further, he submitted that working hours depend upon the workload in the office. Thus saying he attempted to justify the impugned order.

13. It is now to be considered whether the change in the working hours in the RLO office reverting to six day week w.e.f. 1/6/2000, was justified or not.

14. The Learned Counsel for the applicants submitted that five day week was being observed since 1982 and there was no reason whatsoever for the change in the working hours and even if they felt the workload was more, they should have amended rule 389(2) of the Post and Telegraph Manual Vol IV and that the Assistant Director (Tech) is not the competent authority to change the working hours.

15. The officials working in the RLO, Mumbai are the Central Government servants governed by the CCS Rules. In a ~~similar~~ case, the Hon'ble High Court of Karnataka observed that a Government servant means a government servant for all the 24 hours, a day.

16. As already brought to our notice in page-44, the receipt of postal articles in the RLO, Mumbai has been explained. The pendency is nearly 19,00,000 and above. Further they submit that

Jh

the Public are raising disputes before, the Consumer forum for non delivery or mis delivery of postal articles.

17. The applicants could not give any satisfactory explanation for the pendency of 19,00,000 postal articles in the RLO, Mumbai ^{as} on 30/5/2000. As pointed out ^{by} the learned counsel for the respondents, the change of working hours depends upon the workload in the office.

18. However, the learned counsel for the respondents submitted that the applicants may submit a detailed representation to the competent authority for considering the change of working hours, when the pendency of postal articles in the RLO is reduced or brought to a manageable level. We feel that the applicants should show sufficient progress in the performance of their duties by reducing the workload.

19. The competent authority may then consider for shifting over to working hours as was adopted earlier to 1/6/2000, as per rules.

20. Hence, for the present we find no reasons to interfere with the impugned order dated 30/5/2000.

21. However, we make it clear that whenever the pendency of workload is reduced in the RLO office, GPO, Mumbai and reaches a manageable level, then the Applicant No.4 may, if so advised, submit a detailed representation for adopting / restoring the working hours adopted / followed earlier to 1/6/2000.

22. The competent authority shall then consider the representation of the Association in accordance with the rules

R

and considering the workload pass a speaking order preferably within 4 months from the date of receipt of representation and inform the ^{Association} applicants of their decision.

22. With the above directions, the OA is disposed of. Parties to bear their own costs.

2-9-
(SHANTA SHASTRY)
MEMBER(A)


(B.S. JAI PARMESHWAR)
MEMBER(J)

4/12/2000