

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

D.A. No. 324 of 1989.

T.A. No.

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DATE OF DECISION 27-11-1989

N.Ramakrishna Rao.

Petitioner

J.V.Lakshmana Rao Advocate for the Petitioner(s)

Versus

The Union of India represented by the Director General, Telecommunications, Daktar Bhawan, New Delhi and others.

Respondents.

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. B.N.Jayasimha, Vice-Chairman.

The Hon'ble Mr. J.Narasimhamurty, Member(Judicial)

1. Whether Reporters of local papers may be allowed to see the Judgment ? *No*

2. To be referred to the Reporter or not ? *No*

3. Whether their Lordships wish to see the fair copy of the Judgment ? *~*

4. Whether it needs to be circulated to other Benches of the Tribunal ? *No*

5. Remarks of Vice-Chairman on columns 1,2,4 (To be submitted to Hon'ble Vice-Chairman where he is not on the Bench) *No*

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No.324 of 1989.

Date of decision: 27-11-1989.

Between:

N.Ramakrishna Rao.. .. Applicant.

Vs..

The Union of India represented
by the Director General, Tele-
communications, Daktar Bhavan,
New Delhi and another. Respondents.

Sri J.V.Lakshmana Rao, counsel for the applicant.

Sri E.Madanamohana Rao, Additional Standing counsel
for Respondents.

CORAM:

Hon'ble Sri B.N.Jayasimha, Vice-Chairman.

Hon'ble Sri J.Narasimhamurty, Member (Judicial).

Judgment of the Bench delivered by
Hon'ble Sri B.N.Jayasimha, Vice-Chairman.

No. 324 of 1989

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The applicant is a Cashier in the Office
of the General Manager, Telecom District, Hyderabad.
He has filed this application aggrieved by the
Letter No.A.O.(C)/PRESS/88-89 dated 21-3-1989
of the General Manager, Telecom District, Hyderabad
under which it has been decided that P.R.S.S. work
should be rotated amongst all the Assistants in
the Cash Section every month and they should be
paid full 2½% commission for the month they work.

The applicant states that when a regular
vacancy arose for the post of Cashier in 1988,
he was selected as Cashier and he has been working

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in that post from 4--8--1988. Cashier/Disbursing Officers are required to do the work of Pay Roll Savings Scheme for which 2.5 per cent commission is payable for investments made through them as per Ministry of Finance (Department of Economic Affairs).

dated 29--6--1976. Further, according to the instructions contained in the Director General Posts and Telegraphs, New Delhi letter No.59-2/80-SS dated 13--11--1980, the work connecting to Pay Roll Savings Scheme is required to be entrusted to Cashier/Disbursing Officer and in the event of their unwillingness, then only some other officials to be chosen for the purpose. The applicant expressed his willingness to undertake the pay roll savings scheme work in his letter dated 8-8-1988 to the 2nd respondent. He has also requested that the said work may be entrusted to him by handing over all the relevant records. The Accounts Officer (Cash), Office of the General Manager, Telecom District, Hyderabad while replying his representation dated 8-8-1988 rejected his request under Letter No. ACPB/PRS/46/88-89/31 dated 26--8--1988 informing that Sri M.Anji Reddy, Telecom office Assistant was entrusted with the work of Pay Roll Savings Scheme in addition to Cashier duty. Although the applicant states that he submitted appeals dated 8-9-1988 and 2-11-1988, 28-12-1988 and 15-3-1989 for reconsideration of the matter. The applicant was informed under letter No.AO(C)/PRSS/88-89 dated 21--3--1989 that Pay Roll Savings Scheme work is rotated among all Assistants ⁱⁿ Cash Section. The applicant contends that it is contrary to the rules laid down for the purpose, by the Director of Posts and Telegraphs. He, therefore, contends that the

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denial of Pay Roll Savings Scheme work to him is a deliberate act to deny him the monetary benefit, in violation of the rules. Hence he filed this application.

The respondents have filed their counter and state that Pay Roll Savings Scheme work is done by the Department as an Agency on behalf of the National Savings Organisation and entrusting of the Pay Roll Savings Scheme work and payment of commission thereon does not come under the purview of staff service conditions of the Telecom Employees. The portion of the Pay Roll Savings Scheme work due to be done by Cashier has been entrusted to him and he is being paid 1/2 per cent commission on the amounts invested. That the previous Cashier was not entrusted with full work completely. He was given the work for some months only due to Departmental exigencies. They deny that they have violated the Rules in force.

We have heard Sri Lakshmana Rao, learned counsel for the applicant and Sri Madanamohan Rao, learned Standing counsel for the respondents.

The main contention of Sri Lakshmana Rao, learned counsel for the applicant is that according to Rules governing P.R.S.S., the applicant is required to be entrusted with the Pay Roll Savings Scheme but no clerk can be entrusted with that work. In support of this contention he relies on the instructions of the Director General of Posts and Telegraphs vide No. 59-2-/80-ss dated 13--11--1980 in which it is stated that

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"as a matter of course, Cashier/Disbursing Officer of the office should be the PRSS Group leader, but where the Cashier/Disbursing Officer is unwilling to undertake the work, some other official may be chosen as group leader, but desirably someone in an allied position, like the Accountant, ~~for~~ example." The learned counsel for the applicant also relied on the instructions of the Director General, Posts & Telegraphs vide No.44-6/77-SB dated ~~nil~~ issued to all heads of Postal Circle wherein it is stated that "with effect from the 1st March, 1979, the amounts of commission/working expenses, as may be admissible in accordance with the rates fixed by the Government from time to time, should be paid to ~~Post Officer at which accounts are deposited for~~ ~~xxxxxx~~ Group Leaders in all the Establishments by the Sub/Head." The procedure prescribes that the Group leader will present along with three copies of the deduction schedule of deposits, a bill for the commission/working expenses in the form at Annexure 'I'. These instructions read together ~~xxxxxx~~ lead to the conclusion that the Cashier/Disbursing Officer of the office should be the PRSS Group Leader and it cannot be entrusted to anyone else. The contention of the learned counsel for the application ~~xxxxxx~~ has to be upheld and accordingly we allow the application. The respondents are directed to entrust the work to the applicant in accordance with the instructions referred to above and he would be eligible to the

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commission according to the prescribed rate.

The respondents are directed to implement these orders within one month from the date of receipt of these orders.

In the result the application is allowed. There will be no order as to costs.

for Jayasimha
(B.N.JAYASIMHA)

Vice-Chairman.

27--11--1989

J.S
(J.NARASIMHAMURTY)
Member (Judicial).

27-11-1989.

S. Venkateswara
DEPUTY REGISTRAR (J).
2/11/89

SSS.

TO:

1. The Director General, (Union of India)
Telecommunications, Oaktar Bhavan, New Delhi-110 001.
2. The General Manager, Telecom District,
Suryalok Complex, Hyderabad-500 033.
3. One copy to Mr. J.V. Laxmana Rao, Advocate, Flat No. 301,
3rd floor, Balaji Towers, New Bakaram, Hyderabad-380.
4. One copy to Mr. E. Madan Mohan Rao, Addl. CGSC, CAT, Hyderabad
5. One spare copy.

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20/11/89

Draft by: Checked by: Approved by
D.R.(J)

Typed by: Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

HON'BLE MR.B.N.JAYASIMHA: (V.C.)

AND

HON'BLE MR.D.SURYA RAO: MEMBER (JUDL)

AND

HON'BLE MR.D.K.CHAKRAVORTY: MEMBER: (A)

AND

HON'BLE MR.J.NARASIMHA MURTHY: MEMBER (J)

DATED: 27.11.89

ORDER/JUDGMENT

M.A./R.A./G.A./No. in

F.A. No. - (W.P.No.)

D.A.No. 3241 89

Admitted and Interim directions
issued.

Allowed. ✓

Dismissed.

Disposed of with direction.

M.A. Ordered.

No order as to costs.

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