

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH :
AT HYDERABAD.

O.A.NO.906 OF 1995.

DATE OF ORDER- 17.02.1998.

BETWEEN :

II DEVASINDARAM

... APPLICANT

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1. Chief Post Master General,
Andhra Pradesh Circle, Hyderabad.

2. Post Master General,
Andhra Pradesh,
Southern Region, Kurnool.

3. Superintendent of Post Offices,
Kurnool Division, Kurnool.

4. Post Master, Kurnool HPO,
Kurnool.

... RESPONDENTS

COUNSEL FOR THE APPLICANT : MR.K.S.R. ANJANEYULU

COUNSEL FOR THE RESPONDENTS : MR.K. BHASKARA RAO,CGSC.

CORAM :

HONOURABLE MR. R.RANJAGARAN, MEMBER(ADMN.)

HONOURABLE MR.B.S.JAI PARAMESHWAR, MEMBER(JUDL.)

ORAL ORDER.

(Per Hon.Mr.R.Rangarajan, Member(Admn.))

1. Heard Mr. D. Subramanyam for
Mr.K.S.R.Anjaneyulu, learned counsel for the applicant.
None for the respondents. The respondents have filed their
reply. Hence we are deciding this O.A. as per Rule 16(2)
of the C.A.T.(Procedure) Rules,1987.

2. The applicant was appointed as a contingent
part-time Choukidar in Kurnool with effect from
25.7.1981. His allowances were initially at Rs.157/- and
were revised from time to time. He submits that he was
working for 8 hours per day and was paid Rs.656.25 plus
D.A. per month. However, by the proceedings dated
29.6.1995 the Superintendent of Post Offices informed
the applicant that as per the directions of the
Postmaster General, Kurnool in letter dated 7.3.1995 the
orders issued by him dated 30.9.1994 (Annexure-3) were

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cancelled. Further it was stated in the said letter that the excess amount paid to him from 1.9.1994 would be recovered. The applicant submits that he submitted a representation dated 8.7.1995 to the Postmaster General praying that revision of allowances and D.A. from Rs.656.25 to Rs.478.75 per month ^{is} ~~was~~ unjustified and untenable *and requested for restoration.*

3. Hence the applicant has filed this O.A. to call for the records of the case and to declare the orders of the Postmaster General communicated in the Superintendent of Post Offices Memo.No.A/PTCWS/Review/95-96 dated 29.6.1995 (Annexure-1) as arbitrary and illegal and to set aside the same and further to direct the respondents 2 and 3 to pay him allowances at 8 hours per day and grant him temporary status as per rules. He also prays for a direction to the respondents not to recover the excess amount paid to him.

4. On 31.7.1995 an interim order was passed suspending operation of the impugned order dated 29.6.1995.

5. The respondents have filed their counter stating that the allowances of the applicant were revised to Rs.656.25 per month with effect from 1.9.1994 for 7 hours. They submit that there was no specific standard prescribed for considering by the Director General, Posts with regard to the working hours/ work load of the part~~time~~ contingent staff and the revision of allowances/ working hours was being undertaken in respect of individual cases considering the merits of such cases with the approval of the Regional Office as the Divisional Heads have not been vested with the power for revising the working hours as they feel ^{it} proper. Further they submit in para-9 of the counter that the

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action of the respondent No.3 in revising the allowances of the applicant with effect from 1.9.1994 was contrary to the rules and procedure. By that statement, they mean that increasing of working hours by the Superintendent is incorrect and it should be reverted only to 8 hours a day.

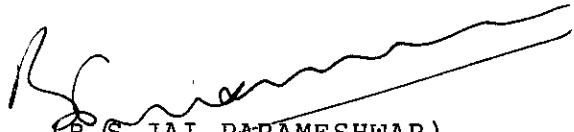
6. During course of hearing, the learned counsel for the applicant relied upon the decision of this Bench dated 3.8.1995 in O.A.No.889/95 and batch. In that O.A. this Tribunal gave a direction to the effect that the revised allowance payable to the applicant ^{therein} shall take effect from the date of issue of the impugned order by the respondent No.2 i.e. the Superintendents of Post Offices, Nellore and Gudur Divisions. The amount, if any, recovered retrospectively before the date of issue of the impugned order, shall be paid back to the applicants within three months from the date of receipt of a copy of this order.

7. In view of the interim order dated 31.7.1995 no recovery has been made from the applicant on account of the revision of allowances. The recovery contemplated ^{with} ~~that the~~ retrospective effect from a date earlier to the date of issue of the impugned order cannot be sustained as the applicant has worked as per the roster hours as prescribed. Whether the work load during that period ^{was} ~~is~~ less cannot be a reason for reducing his allowances with retrospective effect. However, the said impugned circular will take effect from the date of issue of the said circular. It is also stated that from the date of issue of the impugned order, the allowance has been paid at the reduced rate. Hence no recovery is involved in this case. The respondents are directed not to recover the allowances paid to him as per the revised rate with effect from 1.9.1994 to 29.6.1995.

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8. The applicant had submitted a representation dated 8.7.1995 for increasing the working hours to 8 hours per day and also for granting him temporary status. That representation is yet to be disposed of as this O.A. has been filed immediately after the filing of the representation. The Tribunal cannot assess the workload under the Superintendent of Post Offices. It is for the department to assess the workload and instruct the official to perform the duty hours accordingly. The learned counsel for the applicant submits that in the PMG's office the working hours are 8 hours per day. Hence the same working hours should be adhered to in the SPO's office. These are two different offices. Whether the workload in the SPO's office is equivalent to the workload in the PMG's office is a point to be considered by the respondents. The Tribunal without having any knowledge of the workload cannot give any direction to that effect. However, the respondents are directed to dispose of the representation dated 8.7.1995 of the applicant in accordance with law within three months from the date of receipt of a copy of this order. They are also directed not to recover the excess amount paid if any, during the period from 1.11.1994 to 30.6.1995.

9. With the above direction, the O.A. is disposed of. No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDICIAL)

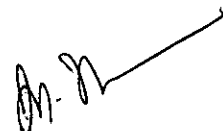
17.2.98


(R. RANGARAJAN)
MEMBER (ADMINISTRATIVE)

Dated the 17th day of February, 1998.

Dictated in the Open Court.

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Copy to:

1. The Chief Post Master General, Andhra Pradesh Circle, Hyderabad.
2. Postmaster General, Andhra Pradesh, Southern Region, Kurnool.
3. Superintendent of Post Offices, Kurnool Division, Kurnool.
4. Post Master, Kurnool HPD, Kurnool.
5. One copy to Mr.K.S.R.Anjaneyulu, Advocate, CAT, Hyderabad.
6. One copy to Mr.K.Bhaskara Rao, Addl.CGSC, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One copy for spare.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

THE HON'BLE MR. B. S. JAI PARAMESHWAR :
M(J)

DATED: 12/2/98

ORDER/JUDGMENT

M.A./R.A/C.A.NO.

in

D.A.NO. 906/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

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