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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1043/95

Date of Order : 24.2.98

BETWEEN:

K.Venkata Narayana Reddy

.. Applicant.

AND

1. Superintendent of Post
Offices, Wanaparthy Division,
Wanaparthy.

2. Post Master General,
Hyderabad Region,
Hyderabad.

.. Respondents.

— — —
Counsel for the Applicant

.. Mr. B.G.Ravindra Reddy

Counsel for the Respondents

.. Mr. K.Ramulu

— — —
CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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None for the applicant. Ms. Shama for Mr. K.Ramulu,
learned standing counsel for the respondents.

2. The facts of this case are as follows:-

The applicant was appointed as EDBPM, Pollepally Branch Office w.e.f. 29.7.72 the day on which the BO was opened. As the BO was running ^{under} in loss beyond the permissible limit since its opening, the department decided that the conveyance work of BO should be withdrawn from the ED Mail Carrier and the same was entrusted to the applicant w.e.f. 16.8.78 on payment of allowance.

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of Rs.12/- per month. Since then it is stated that he was discharging the duties of conveyance work also. The representation of the applicant dated 3.4.95 for providing a E.D. Mail Carrier post for relieving the applicant from the conveyance duty was examined by R-2. That was not found justifiable and hence the creation of post of EDMC was rejected. The applicant was informed accordingly by R-1 on 7.4.95. The ^{is} applicant being paid a combined duty allowance of Rs.75/- p.m. in addition to his pay for attending to delivery and conveyance work in accordance with the provisions of Rules.

3. At the time of his posting as EDBPM the applicant was getting a total of Rs.758/- p.m. which is inclusive of all other allowances. His duties are to maintain the Branch Office Accounts, Saving Bank Accounts, Recurring Deposit Accounts, Mahila Samruddhi Yojana Accounts, Registration of Letters, Money Orders, P.LI., etc. In addition to these duties he has also ^K deliver the letters to various places namely Tallakunta, Mangalkunta, Thanda, Kethakunta etc. The applicant submits these duties for delivery of letters is that of EDDA.

4. This OA is filed praying for a declaration that the action of the respondents in compelling the applicant to discharge the duties of EDMC is illegal and consequently to set aside the memo No.A/47-11 dated 7.4.95 rejecting his request for creation of post of EDMC at Pellepally BO and for a consequential direction not to allot the duties of EDMC to the applicant and to reimburse the actual expenditure incurred by the applicant for discharging the duties of EDMC.

5. In the reply it is made clear that the applicant was paid for the post of EDBPM salary of Rs.375/- + D.A. + Rs.75/-. The learned counsel for the applicant submits that in view of the combined allowances of Rs.75/- paid to him the

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applicant has to discharge the duties of EDMC and the ^{affid} department cannot ~~afford~~ afford to create a new EDMC post as requested by him. // The applicant while joining the services was getting an amount of Rs.758/- p.m. inclusive of all other allowances. This is not disputed. We repeatedly asked the learned counsel for the respondents whether the combined duty allowance of Rs.75/- paid to him is over and above that of ⁷⁵⁸ Rs.75/- which was his remuneration fixed at the time of his joining as BPM. The learned counsel for the respondents confirmed without any hesitation that the present pay of the applicant is Rs.75/- more than Rs.758/-. Thus the applicant is fully compensated for the duties entrusted to him for carrying mail bag, from the station.

6. The applicant has been compensated by ~~putting~~ giving him combined duty allowance of Rs.75/- over and above ~~as~~ ^{for} his initial pay of Rs.758/-. Thus the applicant has ^{fully} compensated for performing the duties of EDMC in addition to his ~~duties~~ post of BPM. If the applicant is not willing to carryout the duties of Mail Carrier it is up to him to resign from ^{of BPM} the post. He cannot demand for posting of a separate Mail Carrier especially ^{when} ^{under} ~~then~~ the BO is running in loss. Further the applicant cannot dictate terms to the Government for creation of posts. If there is justification the department will take action in accordance with the rules. He has submitted his request for creation of EDMC which has been rejected by the department for valid reasons. Hence the applicant cannot demand for creation of Mail Carrier. He has been fully compensated for performing the duties of Mail Carrier and that will meet the ends of justice for giving him extra work for performing the duties of the Mail Carrier.

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Copy to:

1. Superintendent of Post Offices, Wanaparthy Division, Wanaparthy.
2. Post Master General, Hyderabad Region, Hyderabad.
3. One copy to Mr. B.G. Ravindra Reddy, Advocate, CAT, Hyderabad.
4. One copy to Mr. K. Ramulu, Addl. CGSC, CAT, Hyderabad.
5. One duplicate copy.
6. One copy to D.R(A), CAT, Hyderabad.

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7. In view of what is stated above, we find no merit in this OA. Hence the OA is dismissed. No costs.

R.S. Jai Parameshwar
(B.S. JAI PARAMESHWAR)
Member (Jud1.)
24.2.98

R.R. Garajan
(R.RANGARAJAN)
Member (Admn.)

Dated : 24th February, 1998

(Dictated in Open Court)

M.R.
M.R.

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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. S. S. JAI PARAMESHWAR :
M(J)

DATED: 24/2/98

ORDER/JUDGMENT

M.A./R.H./C.H.N.B.

in

D.C.N.O. 1043/95

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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केन्द्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal
प्रेषण/DESPATCH

- 5 MAR 1998

हैदराबाद व्यायपीठ
HYDERABAD BENCH