IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/00500/2016

Date of Order: 21.7.2016

CORAM

Hon'ble Mrs. Jasmine Ahmed, Judicial Member
Hon'ble Ms. Meenakshi Hooja, Administrative Member

Hemraj Bangad S/o Brijnandan Gupta, aged about 28 years r/o Village and Post Barodia, Teh. Bundi, Distt. Bundi presently working as BPM, Barodia, Bundi since 25.1.2014.

.....Applicant

(By Advocate Mr. P.N.Jatti)

VERSUS

1.Union of India, through the Secretary to the Government of India cum Director General, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.

2.The Chief Post Master General, Rajsthan Circle, Jaipur-7.

3. The Superintendent of Post Offices, Tonk Division, Tonk, Rajasthan.

.....Respondents

ORDER

(Per Hon'ble Mrs. Jasmine Ahmed, Judicial Member)

This OA has been filed under Section 19 of the Administrative Tribunals Act, 1985 praying the reliefs quoted under.

On the basis of the facts and circumstances the humble applicant prays for the following relief(s):-

8.1 That by a suitable writ/order or the directions the respondents be directed to allow the status of civil servant to the applicant.

8.2 That by a suitable writ/order or the directions the respondents be directed to allow all the benefits attached with the civil post to the applicant.

8.3 That by a suitable writ/order or the directions the respondents be directed to consider the representation of the applicant in the light of the judgment dated 22.4.1977 and in the light of the recommendation of Talwar Committee.

8.4 Any other relief which the Hon'ble bench deem fit.

The factual matrix of the case is that the applicant is working as Gramin Dak Sevak at Barodia, Bundi since 25.1.2014 with the Department of Posts. He also states that the applicant is covered under the "Department of Posts, Gramin Dak Sevaks (Conduct and Employment) Rules, 2001". The counsel for applicant states that the applicant is working as Gramin Dak Sevak which comes under Extra Departmental employees and actually these Extra Departmental employees who are working with the Postal Department are the backbone of postal system as they are at the operational end and looking after both collection and delivery. He also states that these extra departmental employees work in the interior villages and help the Department of Posts in collecting and delivering in the interior villages where all the modern facilities are not available. The counsel for the applicant states that the Hon'ble Apex Court in the case of P.K.Rajamma has held that E.D. agents are the holders of civil post. It also held that E.D. employee (GDS) is not an agent, not a casual labour or not a part-time worker but holder of civil post. The counsel for the applicant also relied his contention on the decision passed by the Ernakulam Bench of this Tribunal in OA No.584/95 passed on 23.1.96 and states that the Ernakulam Bench has also observed that "We find no warrant for reading the restriction into the declaration of law in Rajamma's case and limiting it to Article 311. The declaration is that Extra Departmental Agents are holders of civil posts." The other contention of the counsel is that though the E.D. agents (GDS) are holder of civil post but till date they have been deprived of all the benefits which are being enjoyed by other civil post holder employees. He states that despite many judgments the applicant has been treated arbitrary and contradictory to the rules and settled judgments over the subject. He also states that this has to be taken into account that E.D. agents(GDS) work under the contract, control and supervision of the authorities who enjoy the right of control

in which they must carry out their duties and states that undoubtedly there is relationship between the postal authorities and E.D. agents (GDS) is of master and servant. The counsel for the applicant also placed his reliance on the judgment of the Apex Court in the case of Theyyam Joseph reported in (1996) Vol.8 SCC 489 and held that E.D. agents are civil servants regulated by Conduct Rules and by necessary implication they do not belong to category of workmen to be attracted the provisions of Industrial Disputes Act, 1947. He also says that Gramin Dak Sevak employees carry out the work same type of which the departmental employees perform, hence depriving them from the benefits enjoyed by the other regular employees who are treated as holder of civil post is arbitrary and illegal and violation of principles of natural justice. In this regard the counsel for applicant states that applicant has preferred a representation which is Annx. A/1 of the OA and prays that he will be happy and satisfied if a direction is given by this Tribunal to decide the representation within a stipulated time frame taking into consideration the categorical contentions raised in the representation.

2. Accordingly the respondents are directed to decide the representation of the applicant and also to take a decision whether the post of Gramin Dak Sevak is civil post or not within 3 months from the date of receipt of copy of this order.

(Ms. Meenakshi Hooja)
Member (A)

(Mrs. Jasmine Ahmed)
Member (J)

Adm/