

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 355/2000

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*Salil*  
21/12/17

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI.5

ORIGINAL APPLICATION NO. 355/2000

Mr. A. S. Sarkar

versus.

Union of India &ors . . . . . Respondents.

FOR THE APPLICANT(S) Mr. B. K. Sharma  
ADVOCATE

Mr. U. K. Nair.

FOR THE RESPONDENT(S)

C. G. S. C.

Notes of the Registry

DATE

COURT'S ORDER

25.10.00

Present: Hon'ble Mr. Justice D.N.

Choudhury, Vice-Chairman.

Heard Mr. B.K. Sharma learned counsel  
for the applicant and B.C.Pathak, Addl.  
C.G.S.C. for the respondents.

Application is admitted. Call for  
records. Issue notice on the respondents.  
Returnable by 6 weeks. List on 7.12.00  
for orders.

Pendency of this application shall  
not be a bar for the respondents to  
consider the case of the applicant.

Vice-Chairman

Notice prepared and sent  
to D/S for issuing the  
remedies No 1 to 5. Vide  
DINo 2532 to 2556 add  
9/11/2000

6/11/2000

Under PR No 2934  
35, 36, 37, 38 add.

18/11/2000 by

16/11/00

1m

NS  
30/10/2000

nkm

7.12.2000

Four weeks time allowed for filing  
of written statement on the prayer of Mr  
B.C. Pathak, learned Addl. C.G.S.C. List  
it for orders on 8.1.2001.

Vice-Chairman

① Service report are still awaited.

10.1.2001 Four weeks time allowed for filing of written statement on the prayer of Mr B.C. Pathak, learned Addl. C.G.S.C. List it on 9.2.01 for orders.

② No.wts has been filed.

By  
6.12.2000

nikm

Vice-Chairman

Notice day served on Respondent

9.2. No.s. 13. Adjourned to 21.3.2001.

No. 1.384, 285 are awaited.

By

A.G.C.

9.2

By  
8.12.2000

21.3.01 List on 9.5.01 to enable the respondents to file written statement.

No. written statement has been filed.

By  
9.1.2001

pg

No. written statement has been filed.

28.5.01  
(Imphal)

On application made by Mr A.Deb Roy, learned Sr.C.G.S.C. the O.A. is stood over to enable the respondents to file written statement...

List on 28.6.01 for order.

No. wts has been filed.

By  
20.3.01

29.6.2001

Four weeks time allowed to the

respondents to file written statement.

List for orders on 8.8.01.

List in circuit sitting at Manipur.

By  
21.5.01

By Order

A.G.C.  
21.5

No. written statement has been filed.

8.8.2001

Four weeks time allowed to the respondents to file their written statement. List for orders on 7.9.01.

By  
28.8.01

No. wts has been filed.

nikm

7.9.01

Mr. B.C.Pathak, appearing for the respondents

states that there is some development in the matter so request for adjournment is accepted. List on 8/10/01 for order.

By  
6.9.01  
No. wts has been filed.

By  
5.10.01

C. U. Khan  
Member

(3)

Notes of the Registry	Date	Order of the Tribunal
	10.10.01	List again on 28.11.01 to enable the respondents to file written statement.
	pg	
No written statement has been filed.	28.11.01	Written statement has not been filed, though time is allowed. List on 11.1.2002 for hearing. In the meanwhile the respondents may file written statement.
16.1.02.	pg	
	11.1.02	Prayer has been made on behalf of Mr. S. Ali, learned counsel by Mr. M. Chanda to adjourn the case. Mr. A. Deb Roy Sr. C.G.S.C. submits that he may also be permitted to file the written statement. In the meantime the case be listed for hearing on 8.2.02.
	lm	Vice-Chairman
	8.2.02	Mr. B.C. Pathak, learned Addl. C.G.S.C. files parawise comments to-day. Copy has also been given to the learned counsel for the applicant. Mr. S. Sarma learned counsel for the applicant prays for time to go through the parawise comments and to file the written comments on the parawise comments which is filed to-day. List on 8.3.02 for hearing.
3/2/2002 (Parawise comments) W/S has been filed by Mr. B.C. Pathak, Addl. C.G.S.C. on behalf of the respondents NO. L-4 only one copy for 'A' part at page- 20-42.  N.S.M.P. 3/2/2002	lm	CC Ushan Member

U.A. 355/2000

Notes of the Registry      Date      Order of the Tribunal

8.3.02

Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets. The application is allowed in terms of the order. No order as to costs.

27.3.2002

Copy of the Judgt  
has been sent to the  
D/sec for certifying the  
same to the applicant  
as well as to the Addl  
C.G.C. for the records.

IS  
P.M.  
B.C.L.M.  
27/3/02

mb

U.U.Sha  
Member

b

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 355 of 2000.

Date of Decision. 8.3.2002...

1. Mr. A.S. Sakho.  
2. Mr. S.A. Sophayo.  
3. Mr. S. Malong.

Petitioner(s)

Mr. H.K. Sharma, Mr. S. Sarma  
Mr. U.K. Nair.

Versus-

Advocate for the  
Petitioner(s)

U.O.I. & Ors.

Respondent(s)

Mr. B.C. Pathak, Addl. C.G.S.C.

Advocate for the  
Respondent(s)

THE HON'BLE MR. K.K. SHARMA, ADMINISTRATIVE MEMBER.

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble : Administrative Member.

*(Signature)*

CENTRAL ADMINISTRATIVE TRIBUNAL :: GUWAHATI BENCH ::

Original Application No. 355 of 2000.

Date of Order : This the 8th Day of March, 2002.

HON'BLE MR. K.K. SHARMA, ADMINISTRATIVE MEMBER.

1. Mr. A.S. Sakho, Extra Departmental Mail Carrier (EDMC), Huining Post Office.

2. Mr. S.A. Sophayo, EDMC, Maokot line.

3. Mr. S. Malong, Extra Departmental Delivery Agent (EDDA), Pushing Branch Office.

Department of Posts, N.E. Circle,  
Manipur.

... Applicants.

By Advocate Mr. B.K. Sharma, Mr. U.K. Nair, Mr. S. Sarma.

- Versus -

1. The Union Of India, represented by the Secretary to the Government of India, Ministry of Communication, New Delhi.

2. The Director General, Posts, New Delhi.

3. The Chief Postmaster General, N.E. Circle, Shillong.

4. The Director of Postal Services, Manipur Division, Imphal.

5. Sri K.H. Jibon Singh, Inspector, Ukhrul Sub-Division, Manipur.

By Mr. B.C. Pathak, Addl. C.G.S.C.

... Respondents.

O R D E R

K.K. SHARMA, Member (Admn.) :

Three applicants have made this application jointly and they have been allowed to agitate their grievances in a single application as the issue involved is the same. The relief claimed by the applicants is for the payment of arrear dues w.e.f. 1.1.96 as per recommendation of the 5th Pay Commission.

2. The applicants are working in the Postal Department as Extra Departmental Mail Carriers. They are entitled for the arrears w.e.f. 1.1.96 as per recommendation of the 5th

*10/1/02*

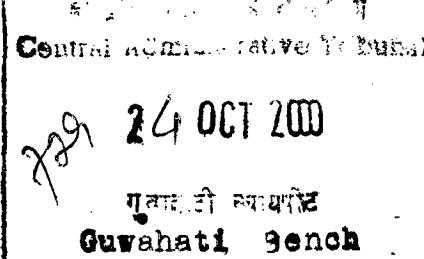
Pay Commission. It is stated that the applicants dues had been determined, however, on the intervention of the Respondent No.5 payment of arrears has not been made to the applicants.

3. Heard Mr. S.Sarma, learned counsel for the applicants and also Mr. B.C.Pathak, learned Addl. C.G.S.C. for the Respondents. The Respondents have filed their para-wise comments also. The Respondents have stated that they had received complaints against the Respondent No.5 for non-payment of arrears to the applicants. The matter has been investigated. The arrears of the applicants were drawn on 26.2.99 for disbursal through Ukhrul Sub-Post Office. As per the statement of Sub-Post Master Ukhrul the acquittance rolls were forcibly taken away from him by Respondent No.5. However, the arrears of the applicants were disbursed at Imphal Head Post Office on 22.3.1999 to person indentified by Respondent No.5. How the payment was made at Imphal and to whom is under investigation? The applicants were working at EDMC, at Ukhrul, Manipur. The Respondents have admitted that payment are due to the applicants and enquiry was being conducted. As the payments of dues to the applicants is admitted and regarding the payment made to persons indentified by Respondent No.5 at Imphal on 23.3.99, is under investigation, ends of justice would be met if a direction is given to the Respondents to complete the enquiry at the earliest. Accordingly, Respondents are directed to complete the enquiry within three months from the date of receipt of the order and the payment of arrears should be completed within a month, thereafter. The Respondents may also consider payment of interest to the applicants for the delay beyond w.e.f. 23.3.99.

The application is treated as allowed. There shall, however, be no order as to costs.

*U. Usha*

*U. Usha*  
( K.K. SHARMA )  
ADMINISTRATIVE MEMBER



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Title of the case :

DA No. 355/2000

BETWEEN

Shri A.S. Sakho.

... Applicants

- versus -

Union of India & Ors.

... Respondents

I N D E X

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Filed by:  
Anni J. Sooklal  
Advocate

THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

GUWAHATI

O.A. No. 355 of 2000

BETWEEN

1. A.S. Sakho, Extra Departmental Mail Carrier (EDMC), Huining Post Office,
2. S.A. Sophayo, EDMC, Maokot line
3. S. Malong, Extra Departmental Delivery Agent (EDDA), Pushing Branch Office.  
Department of Posts, N.E. Circle, Manipur

... Applicants

AND

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Communication, New Delhi.
2. The Director General, Posts, New Delhi.
3. The Chief Postmaster General, N.E. Circle, Shillong.
4. The Director of Postal Services, Manipur Division, Imphal.
5. Shri K.H. Jibon Singh, Inspector, Ukhrul Sub-Division, Manipur.

... Respondents

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

The application is not directed against any particular order but is directed against the illegal withholding of arrears payable to the Applicants

Filed By:  
The Applicants to  
Thony his  
L.K. Nair, Advocate.

pursuant to the fixation of pay, as per 5th Pay Commission recommendation and the deemed rejection of their representations.

2. JURISDICTION OF THE TRIBUNAL :

The Applicants declare that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

The Applicants further declare that the application is filed within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the Applicants are all citizens of India and permanent residents of Manipur and as such they are entitled to all the rights, protections and privileges guaranteed by the Constitution of India.

4.2 That the Applicants are working in different capacities as mentioned above in the Postal Department under the Ministry of Communication. Pursuant to the 5th Pay Commission recommendation, they are entitled to arrears of salary with effect from 1.1.96 which has been accrued to them based on the fixation of pay as per the said recommendation. The Applicants have got same cause of action and as such they have joined together in the single application and they may be permitted to do so as provided for under Rule 4(5)(a) of the CAT (Procedure) Rules, 1987. 3

In the above context, office memorandum dated 9.10.97 is annexed as ANNEXURE-1.

4.3 That although the said arrears have accrued to the Applicants with effect from 1.1.96 pursuant to fixation of their pay as per the 5th Pay Commission recommendation, they have not been paid their arrears till date and the Respondent No. 5 is responsible for such illegal withholding of the arrears of the Applicants as will be evident from the facts narrated below.

4.4 That the bills for arrears of the pay payable to the Applicants as the fixation benefit were in fact prepared and the Applicants were due to receive their arrears, but the Respondent No. 5 forcibly took away the acquittance roll from the hands of the Postmaster, Ukhrul as has been intimated to the Applicants by the representatives of the employees' Union. In this connection, the Employees' Union had espoused the case of the Applicants.

Copies of the representations by the employees' Union are annexed as ANNEXURE-2 series.

4.5 That apart from the above representations from the employees' Union, the Asstt. Director (Staff) for the CPMG, N.E. Circle, Shillong had also written letter No. Staff/118/14/99 dated 17.6.99 to the Director of Postal Services, Manipur Division requesting him to look into the matter. However, inspite of such representations

and letter, nothing has been done in the matter and the Applicants have not been paid their arrears as admissible to them with effect from 1.1.96 pursuant to the fixation of their pay as per the recommendation of the 5th Pay Commission.

A copy of the letter dated 17.6.99 is annexed as ANNEXURE-3.

4.6 That when nothing was done in the matter, the Applicants also submitted collective representations alongwith two others before the CPMG, N.E. Circle highlighting their grievance. In the said representations, the Applicants have narrated as to how their actual payment was due on 20.3.99 and as to how all other employees have already received their arrears from that day. The Applicants submitted such representations on 11.9.99 followed by an agreement among themselves and two others to jointly move the concerned authority regarding non-payment of arrears.

A copy of the representation dated 11.9.99 and the agreement dated 4.4.2000 are annexed as ANNEXURES-4 and 5 respectively.

4.7 That the Applicants state that as per the intimation given by the employees' Union, the money has been withheld at the behest of the Respondent No. 5 and this is precisely the reason why he has been arrayed as party Respondent by name. Be it stated here that all other employees of the Division have been paid their arrears on 20.3.99 barring the Applicants for the

reasons best known to the authorities. All their efforts to get their arrears coupled with the representations submitted by the employees' Union have fallen into deaf ears of the Respondents and they have not been paid their arrears till date. They are all low paid employees of the Postal Department and there is no earthly reason as to why they should be deprived of their arrears. Be it stated here that there is no impediment against payment of arrears to the Applicants. Everything has been done at the behest of the Respondent No. 5 and the higher authorities have remained silent spectators to the illegal withholding of the arrears by the Respondent No. 5.

4.8 That the Applicants state that having failed in all respects to get the arrears, the Applicants have now come under the protective hands of this Hon'ble Tribunal. They have been made to suffer immensely by way of withholding of arrears illegally, but for which they could have utilised the arrear amount to their various needs. The Respondents are not entitled to withhold the arrears of the Applicant without the valid sanction of law and accordingly, the person responsible for such illegal withholding is liable to pay interest on the accrued arrears of the Applicants.

4.9 That this application has been filed bonafide and to secure the ends of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the Applicants being entitled to their

arrears as per the 5th Pay Commission recommendation, the Respondents cannot withhold the same without any valid sanction.

5.2 For that the acquittance roll pertaining to the Applicants having been taken away by the Respondent No. 5 because of which, the arrears could not be paid to the Applicants, the said Respondent No. 5 is liable to be taken up for disciplinary proceeding.

5.3 For that all other employees of the same Division having been paid their arrears on 20.3.99, there is no earthly reason as to why the Applicants should be picked for differential treatment by way of not paying them their arrears and accordingly, the Respondents, more particularly, the Respondent who is responsible for such illegal withholding of arrears is liable to pay interest to the Applicants alongwith their arrears.

5.4 For that there being no earthly reason to withhold the arrears of the Applicants which they are legally entitled to and all other employees of the Division having been paid their arrears, there has been violation of Article 14 and 16 of the Constitution of India and so also the principles of natural justice.

5.5 For that in any view of the matter, the impugned action of the Respondents is arbitrary, illegal and violative of the principles of natural justice and accordingly, the Applicants are entitled to the reliefs sought for in this application.

6. DETAILS OF REMEDIES EXHAUSTED :

The Applicants declare that they have no other alternative and efficacious remedy except by way of filing this application.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT :

The Applicants further declare that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

7. RELIEFS SOUGHT FOR :

Under the facts and circumstances stated above, the Applicants pray that this application be admitted, records be called for and notice be issued to the Respondents to show cause as to why the reliefs sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following reliefs :

- 8.1 To direct the Respondents to release and/or pay the arrears of the Applicants which they are entitled to with effect from 1.1.96 pursuant to the fixation of their pay as per 5th Pay Commission recommendation, at par with all other employees of the same Division who have been paid their arrears on 20.3.99.
- 8.2 To direct the Respondents to pay interest at the

(f)

Bank's norms on the arrears payable to the Applicants for the delayed payments.

8.3 Cost of the application for forcing the Applicants to approach this Hon'ble Tribunal in a most illegal manner.

8.4 Any other relief or reliefs to which the Applicants are entitled under the facts and circumstances of the case.

**9. INTERIM ORDER PRAYED FOR :**

Under the facts and circumstances of the case, the Applicants pray for an interim order directing the Respondents to release the arrears of the Applicants payable to them with effect from 1.1.96 pursuant to their fixation of pay as per recommendation of the 5th Pay Commission.

**10. ....**

The application is filed through Advocate.

**11. PARTICULARS OF THE I.P.O. :**

- i) I.P.O. No. : 26 503424
- ii) Date : 18.10.2000
- iii) Payable at : Guwahati.

**12. LIST OF ENCLOSURES :**

As stated in the Index.

Verification.....

AB

VERIFICATION

I, Shri A.S. Sakho, aged about 48 years, the Applicant No.1, do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 3, 4<sup>1</sup>, 4<sup>3</sup>, 4<sup>4</sup>, 4<sup>6</sup>, 4<sup>7</sup>, 4<sup>9</sup> and 5 to 12 are true to my knowledge ; those made in paragraphs 4<sup>2</sup> and 4<sup>5</sup> are true to my information derived from records and the rests are my humble submissions before the Hon'ble Tribunal. I am also duly authorised and competent to sign this verification on behalf of all the Applicants.

And I sign this verification on this the 20 th day of October 2000.

*A.S. Sakho*

No. 23-8/97/FE, I (PCC)

Dated 09.10.97

- 10 -

OFFICE MEMORENDUM

Subject :- Fifth Central Pay Commission - Revision of Pay Scales in respect of Group 'A', 'B', 'C' and 'D' Employees - 1997.

A copy each of the following communication is forwarded herewith for information, guidance and necessary action :-

(1) Ministry of Finance (MOF) Gazette Notification Vide G.S.R. 569 (E) dated 30-09-97 promulgating the Central Civil Services (Revised Pay) Rules, 1997 and notification of scales of pay and illustrations regarding fixation of pay of the employees in the revised pay scales & option proforma therefor (Pages 71 to 81, 89 (Entry relating to posts at S No.1 thereof excluded), 131 to 134).

(2) M.O.F. O.M. No. 21(1)/97-E.II.(B) dated 3.10.97 regarding Grant of Transport Allowance.

(3) Ministry of Finance O.M. No. 1(13)/97-E.II.(B) dated 3.10.97 regarding rates of Dearness Allowance effecting from 1.7.96, 1.1.97 and 1.7.97 respectively.

(4) Ministry of Finance O.M. No. 2(30)/97-E.II.(B) dated 3.10.97 regarding revised rates of CCA & HRA.

2. The revised scales of pay applicable to the employees have been indicated in the first Schedule to the Revised Pay Rules-1997. The revised scales of pay shown in Part A are to be applied in the case of all posts except the ones included in Part C thereof in whose cases the pay scales shown therein will apply with effect from 1.1.96. The upgraded pay scales for certain other categories of employees will be intimated separately.

3. Immediate action may please be taken for dissemination of these orders to all the drawing and disbursing officers concerned so that action could be taken to fix the pay of the officials in the revised Scales of Pay and arrears in this behalf are disbursed most expeditiously.

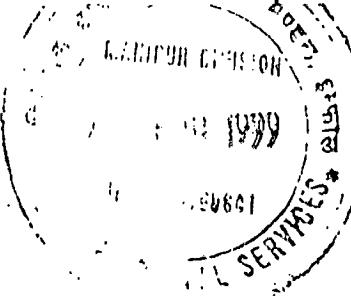
The receipt of this office Memorandum may please be acknowledged in the first instance.

Hindi version will follow.

S.B.Sharma  
( S.K. SHARMA ) 9.10.97  
D.D.G. ( T.S.E. )

Concurred in /

To



Registered - 2

URGENT

ANNEXURE-2  
(SERIES)

70

- 11 -

The Director, Postal Services,  
Manipur Division, Imphal.

Subject : Immediate payment/Disbursement  
of Arrears of Pay Scale to EDA,  
EDDA & EDMC of 4(four) Branch  
Offices under Ukhru Sub-Divn.

Sir,

The undersigned on behalf of the aggrieved  
party beg to state on the subject stated above that  
the Arrears of Pay Scale revision under 5th Pay  
Commission payable to the following Branch offices:  
EDA, EDDA & EDMC employees were not paid/disbursed  
till date whereas all other employees have already  
recieved on 20-3-1999. The A/Rolls of EDA, EDDA &  
EDMC not recieved are :-

1.	Pushing B.O.	: 2 ( 1-EDA & 1-EDDA )
2.	Huining B.O.	: 3 ( 1-EDA, 1-EDDA, 1-EDMC )
3.	T.C. Compound B.O.	: 3 ( -do- )
4.	Maokot line B.O.	: 2 ( 2- EDMC )

As a matter of fact, the Ukhru Sub-Division  
Inspector, Shri Kh. Jibon Singh, had forcibly taken  
away the said A/Roll from the hands of the post  
Master, Ukhru as told by the PM, Ukhru so.

You are therefore, requested kindly to dispose  
the matter favourably at the earliest convenience and  
redress our grievances.

Yours faithfully,

( S. YARNGAI )  
Committee Member,  
AIPUEU, Manipur Divn.,  
Ukhru Branch, Ukhru.

Copy to :-

1. The Post Master General Shillong, Meghalaya for his kind information and favourable action.
2. The Post Master, Ukhrul Sub-Office for kind information & necessary action.
3. The President, All India Postal Extra Departmental Employees Union, Manipur Division for his kind information and favourable action.

Dated,  
The 22nd March, 1999.

(. S. YARNGAE)  
Committee Member,  
AIPEDEU, Manipur Divn.,  
Ukhrul Branch, Ukhrul.

Speed post

4 22  
ANNEXURE- 2  
(SERIES)

To

The Post Master General  
North Eastern Circle,  
Shillong.

- 13 -

9/4/99

Sub:- Prayer for release arrears of pay to  
ELA, ELLA and ELMC of Four (4) Branch  
Offices Under Ukhrul Division.

Sir,

Under strange and special circumstances the undersigned, on behalf of the members of Branch Post Office Association, Ukhrul wish to draw for your kind attention on the subject matter cited above and pray for befitting action that -

1. The employees namely ELAs, ELLAs, ELMCs posted at the Branch Post Office of Pushing, Huining, T.C. Compound and Maokot Line in Ukhrul Division have been denied the arrears of their pay amounting Rs. 7672 for ELA, Rs. 8860 for ELLA and Rs. 7000 for ELMC. All employees serving at other Branch Post Offices in Ukhrul Division have already received the said arrears on 20.3.1999 by deducting Rs. 600 - 1000/- each from every ELA, ELLA and ELMC.
2. The Acquittance Rolls of employees of the abovenamed Branch Post Offices are still kept in the custody of Shri. Kh. Jibon Singh, Inspector <sup>Sub</sup> Ukhrul Division at Imphal after he had forcibly from the hands of the Post Master, Ukhrul before the arrears were disbursed.
3. On 6.4.99 the Inspector Shri. Kh. Jibon Singh Ukhrul Division spoke through telephone from Imphal to Shri. S. Yerngai, ELA Pushing Branch Office at Ukhrul thereby asking him to come to Imphal and collect his arrears failing which the payment of his arrears would be withheld forever to which, Shri. S. Yerngai replied that he would not

- 14 - 29

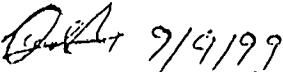
be able to collect his arrears from Imphal.

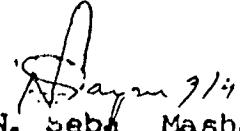
4. The facts, as narrated above clearly speaks some faulty roles being played by the Superior Officer(s) in order to deprive the basic rights and livelihood of the aggrieved employees . Such faulty role must be eradicated at the root to uphold/preserve the sanctity of the post service o in India.

5. On 22.3.99 Shri.S.Yarngai Committee Member had made a complaint to address the Director, Postal Services , Manipur Division, Imphal but no action has been taken till date.Hence, the presentation of this complaint .

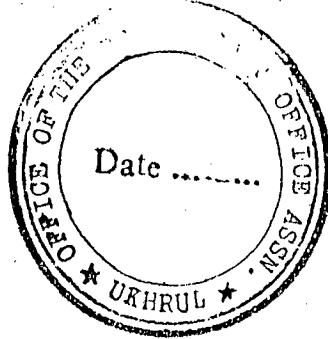
Therefore, Kindly direct Inspector Shri.Kh.Jibon Singh to release the arrears of the employees of the said four (4) Branch Offices and take strong disciplinary action against him in the interest of justice .

Yours faithfully,

  
9/4/99  
( L.M. Anderson )  
President B.P.O Assn.,  
Ukhrul, Manipur

  
9/4/99  
( N. Seba Mashangva )  
General Secy. B.P.O. Assn.,  
Ukhrul, Manipur.

PROOF READ



25/5/99  
ANNEXURE 2

(SERIES)

- 15 -

To

The Post Master General,  
North Eastern Circle,  
Shillong.

Subject :- Prayer for release of arrears of Pay  
to EDA, ELDA and EMC of 4 (four)  
Branch Offices under Ukhrul Division  
- A REMINDER.

Sir,

The undersigned on behalf of the Members of Branch Post Office Association, Ukhrul, have the honour to draw once again your kind attention on the subject cited above as REMINDER to our previous petitions dated 9-4-99 and 22-3-99 for a befitting action thereof. The copies of the previous petitions are also enclosed for your kind reference.

Since nothing is heard on the matter, this REMINDER is submitted for speedy action thereof.

You are, therefore requested to be kind enough to expedite the case and redress the grievances of the aggrieved party.

Yours faithfully,

Dated, Imphal,  
the 7th May, '99.

L. M. Anderson  
( L. M. Anderson )  
President B.P.O. Assn.  
Ukhrul 795142 Manipur.

President  
B.P.O. Assn.

The Chief Post Master General,  
North Eastern Circle,  
Shillong - 1.

Subject : - Immediate payment/disbursement of Arrears  
of Pay Scale to EDA, EDDA & EDMC of Branch  
Offices under Ukhrul Sub-Division.

Sir,

The undersigned, on behalf of the aggrieved employees,  
once again draws your kind attention on the subject cited above  
and prays for a befitting action thereof.

1) That the arrears of Pay Scale of the following employees  
namely :-

1. M. Chamroy, EDA of Huining B.O..
2. Shangyin, EDMC of Huining B.O.
3. S. Malong, EDDA of Pushing B.O.
4. S.A. Sophayo, EDMC of Maokot Line
5. A.S. Sakho, EDMC of Huining B.O.  
(Discharged w.e.f. 6.1.99)

for the period from 1-1-1996 to 31-12-1998 have not yet  
been paid to even after a lapse of almost one year.

2) Representation after representation of grievances were  
submitted first to the Director Postal Services, Imphal  
with endorsement copy to the CPMG, N.E.Circle, Shillong-1  
dated 22-3-1999 and 7-5-1999 then again another repre-  
sentation dated 11-9-1999 at the time of the CPMG's  
Imphal visit.

3) However, inspite of so many representations submitted  
to the highest authority of Postal services in the  
North East Region, the poor employees' grievances could  
not be removed till to-day. It is very strange as to  
whether payment of the arrear money for the poor Postal  
employees shall not be made atall or should the said  
arrear money be allowed to be pocketed by some Postal  
staffs through forgery signatures of the aggrieved  
parties named in Para 1 above.

You are, therefore, earnestly prayed that the matter  
will kindly be attended to by taking immediate action into the  
matter to redress the grievances.

Enclosed : - 3 (three) representation  
copies.

Yours faithfully,

L.M. Anderson

( L.M. ANDERSON )

President

B.P.O. Association

Ukhrul, Manipur-795001.

Dated, Imphal,  
the 8th Jan.2000.

Post Box No. 24  
DEPARTMENT OF POSTS: INDIA  
OFFICE OF THE CHIEF POSTMASTER GENERAL N.E. CIRCLE: SHILLONG-1.  
8838888888

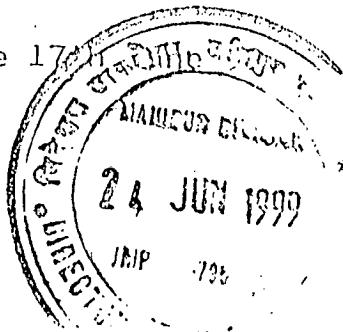
ANNEXURE-3/17  
-17-

No. Staff/118/14/99.

Dated at Shillong, the 17/6/99.

To,

*W/9*  
The Director of Postal Services,  
Manipur Division, Imphal.



Sub:-

Immediate payment/Disbursement of arrears of  
pay scale to EDA, EDDA & EDMC of four Branch  
offices under Ukhru Sub-Division.

Kindly refer to the letter dated 22-3-99 from  
S. Yarngai, Committee member, AIPEDEU, Manipur Division,  
Ukhru Branch, addressed to your office and copy endorsed  
to this office on the above subject.

You are requested to kindly look into the  
matter and intimate this office the action taken on the  
matter.

*(Signature)*  
(Niranjan Das)  
Asstt. Director (Staff)  
Post Chief Postmaster General  
N.E. Circle, Shillong.

\*\*\*\*\*

Y/ Shillong  
Chief Postmaster

Finalized  
APNG

To

The Chief Post Master General,  
North Eastern Circle,  
Shillong, (Camp- Imphal).

Subject :- Prayer for early disbursement of Arrears of pay to the EDA, EDDA & EDMC employees under Utkhrul Sub-Division for the period from 1-1-1996 to 31-12-1998.

Sir,

Having come to know that you are stationed here, we, the undersigned humble employees have the honour to draw your kind immediate attention on the above subject thereof that :

1. The employees named above have not yet received the said Arrears of Pay which all other employees had already received long back.
2. Actual payment was due on 20-3-1999 since all other employees received on that day.
3. Representations of grievances on the matter were submitted to the Director Postal Services, Manipur Division. Imphal had also to the Post Master General, North Eastern Circle, Shillong of which photo copies are enclosed for kind perusal and references, but no action has yet been taken by concerned authorities.

It is, therefore, earnestly prayed that the said arrears will kindly be made available to the humble employees at the earliest possible as redressal to the poor petitioners' grievances.

Yours faithfully,

1. ( M. Chamroy ) EDA,  
Huining B.O.

2. ( Shangyin ) EDMC,  
Huining B.O.

3. ( S. Malong ) EDDA,  
Pushing B.O.

4. ( S.A. Sophayo ) EDMC,  
Mackot line.

5. ( A.S. Sakho ) ELMC,  
Huining P.O.  
(Discharged w.e.f. 6-1-99)

Copy to :-

- 1) The Director Postal Services, Manipur Division, Imphal.
- 2) The Superintendent of Postal Services, Manipur Division, Imphal.

AGREEMENT

Ukhrul, the 4th April, 2000

On this the 4th day of April 2000, we the undersigned do hereby ~~do hereby~~ unanimously agree and commit ourselves to jointly move to the concerned Authority and particularly to the Director, Postal Service, Government of India, Imphal Division, in respect of our Arrears with effect from 1996-98 having been held up till date for the reasons unknown to us.

Sl.No.	Name	Designation	Signature
1.	M.Chamroil, Muining B.P.O	E.D.A	-
2.	Shengyin	-Do-	E.D.D.A
3.	A.S.Sakho	-Do-	E.D.M.O <i>A.S.Sakho</i>
4.	S.Nakong	Fusing B.P.O	E.D.D.A <i>S.Nakong</i> 4.4.2000
5.	S.A.Sophayo Mokot Line	E.D.M.O	S.A.Sophayo

8 FEB 2002  
File in counter one set only.  
CAT 1/2002  
Guwahati Bench

DEPARTMENT OF POSTS : INDIA  
MANIPUR POSTAL DIVISION : IMPHAL : 795001

No.A-1/Est/CAT-Case/01/2000-01.

Dated: 9<sup>th</sup> July, 2001.

To

✓ Shri.B.C.Pathak,  
Addl.Central Govt.Standing Counsel,  
Central Administrative Tribunal,  
Guwahati Bench, Guwahati-781 005.

Sub:- Written statement by Respondents No.1 to 4 in  
O.A.No.355/2000 filed by Shri.A.S.Sakho & Others  
against UOI & Others.

Sir,

The Para-wise comments and Brief History in respect  
of Hon'ble CAT, Guwahati O.A.No.355/2000 are forwarded  
herewith for favour of preparation of written statement on  
behalf of Respondents No.1 to 4. As regards Respondent  
No.5 the written statement has to be filed separately under  
his own signature(verification) as because the Respondent  
No.5 has been pleaded by name on his personal capacity.  
Therefore, the Respondent No.5 may be contacted for the  
purpose.

The written statement on behalf of Respondent No.1 to  
4 may be drafted separately and the draft copy may be  
forwarded to Shri.J.M.Dutta, Asstt.Director(Vig), O/o the  
Chief Postmaster General, N.E.Circle, Shillong-793001 for  
vetting by Ministry of Law and on receipt back after  
vetting by M.O.L the written statement may be prepared and  
filed before the Hon'ble CAT, Guwahati.

The time to time progress of the case may be  
intimated to this office and the receipt of this letter may  
kindly be acknowledged duly intimating the present position  
of the case.

Yours sincerely,

*N.C.Halder* 9/7/2001  
(N.C.Halder)  
Supdt.of Post Offices,  
Manipur Division:Imphal:795001.

Copy to: Tatkura DPS (Hn)  
Shri. ~~Deputy Commissioner~~, O/o the Chief P.M.G.,  
N.E.Circle, Shillong-793001 for information w.r.to his file  
mark: Vig-5/5/2000(CAT). Copies of Para-wise comments and  
Brief History of the case are enclosed for ready reference.

30  
87212  
Addl. C65  
P.C. 2  
P.C. 1

Para-wise comments to O.A.No.355/2000 between  
Shri.A.S.Sakho & Others and UOI & Others.

The following comments are submitted, on behalf of Respondents No.1 to 4, for preparation and filing of written statement against O.A.No.355/2000 in the Hon'ble Central Administrative Tribunal, Guwahati bench:

1. The Respondents No.1 to 4 submit that they have nothing to comment on Paragraphs-1, 2, 3, 4.1, 6, 7, 10, 11 & 12 as the same are mere submissions by the applicants.

✓ 2. As regards para-4.2, it is submitted that the applicants No.2 & 3 are still the employees of the Department of Posts in Manipur Postal Division and the applicant No.1 namely Shri.A.S.Sakho who was also an employee of the Department of Posts in Manipur Postal Division was working as Extra Departmental Mail Carrier in Huining Branch Post Office upto 30.4.98. All the applicants are from Extra Departmental category and they are not entitled to any benefit awarded under the recommendations of 5<sup>th</sup> Central Pay commission. The applicants were, but, entitled to benefits awarded vide D.G.Posts letter No.26-1/97-PC & ED cell Dtd.17.12.98.

- A Photostat copy of D.G.Posts letter No.26-1/97-PC & ED cell Dtd.17.12.98 is annexed as ANNEXURE-R/1.

✓ 3. As regards Para-4.3, it is submitted that as per the records available at Imphal Head Post Office, arrears of allowances payable to the applicants were drawn vide Imphal Head Post Office Acquittance Roll Nos.185, 282 and 198 and

(Para-wise comments to O.A.No.355/2000 between  
Shri.A.S.Sakho & Others and UOI & Others)

forwarded to Ukhrul Sub Post Office through S.O-Slip for Ukhrul Sub Post Office prepared by Imphal Head Post Office on 26.02.99. But, subsequently the A.Rolls were paid at Imphal Head Post Office on 22.03.99, and the Respondent No.5 has identified the payees for receiving payment from Imphal Head Post Office. The source of receipt of A.Rolls back at Imphal Head Post Office for effecting the payment is under enquiry and as per the statement of Sub Post Master, Ukhrul Sub Post Office the A.Rolls were forcibly taken away from him by the Respondent No.5. As per the said A.Rolls, a sum of Rs.7000/- (Rupees Seven thousand) only had been drawn and disbursed as arrear of allowances for the period from 1.1.96 to 31.12.98 to the applicant No.1 namely Shri.A.S.Sakho, EDMC, Huining EDBO vide Imphal HO A.Roll No.185 on 2.03.99 while the applicants No.2 & 3 have received their due amounting to Rs.7000/- (Rupees Seven thousand) only and Rs.8860/- (Rupees Eight thousand eight hundred sixty)only vide Imphal HO A.Roll No.282 & 198 respectively on 22.03.99. It is also submitted that the Respondents No.3 & 4 have received complaints against Respondent No.5 for non-payment of arrears of allowances to the applicants. The Respondent No.4 is now making enquiry on the complaints received from applicants as well as the representatives of the applicants.

- Photostat copy of S.O.Slip Dtd.26.02.99 is annexed as ANNEXURE-A/2.
- Photostat copies of A.Rolls No.185, 282 & 198 have been annexed as ANNEXURE-R/3 to R/5.

4. As regards Para-4.4 it is submitted that the Sub Post Master of Ukhrul Sub Post Office (ie.Postmaster,

(Para-wise comments to O.A.No.355/2000 between Shri.A.S.Sakho & Others and UOI & Others)

forwarded to Ukhrul Sub Post Office through S.O-Slip for Ukhrul Sub Post Office prepared by Imphal Head Post Office on 26.02.99. But, subsequently the A.Rolls were paid at Imphal Head Post Office on 22.03.99, and the Respondent No.5 has identified the payees for receiving payment from Imphal Head Post Office. The source of receipt of A.Rolls back at Imphal Head Post Office for effecting the payment is under enquiry and as per the statement of Sub Post Master, Ukhrul Sub Post Office the A.Rolls were forcibly taken away from him by the Respondent No.5. As per the said A.Rolls, a sum of Rs.7000/- (Rupees Seven thousand) only had been drawn and disbursed as arrear of allowances for the period from 1.1.96 to 31.12.98 to the applicant No.1 namely Shri.A.S.Sakho, EDMC, Huining EDBO vide Imphal HO A.Roll No.185 on 2.03.99 while the applicants No.2 & 3 have received their due amounting to Rs.7000/- (Rupees Seven thousand) only and Rs.8860/- (Rupees Eight thousand eight hundred sixty)only vide Imphal HO A.Roll No.282 & 198 respectively on 22.03.99. It is also submitted that the Respondents No.3 & 4 have received complaints against Respondent No.5 for non-payment of arrears of allowances to the applicants. The Respondent No.4 is now making enquiry on the complaints received from applicants as well as the representatives of the applicants.

- Photostat copy of S.O.Slip Dtd.26.02.99 is annexed as ANNEXURE-A/2.
- Photostat copies of A.Rolls No.185, 282 & 198 have been annexed as ANNEXURE-R/3 to R/5.

4. As regards Para-4.4 it is submitted that the Sub Post Master of Ukhrul Sub Post Office (ie.Postmaster, (Para-wise comments to O.A.No.355/2000 between Shri.A.S.Sakho & Others and UOI & Others)

Ukhrul) has stated that the bills for payment of arrears of allowances payable to the applicants were received at Ukhrul Sub Post Office on 02.03.1999 but before payment the same were forcibly taken away from his custody by the Respondent No.5 on 09.03.1999. The cause of the applicants were espoused by the representatives of B.P.O.Association and the applicants too represented jointly along-with few other aggrieved employees and espoused their cause. On one occasion, the applicant No.1 individually represented the cause.

- Photostat copy of representation Dtd.22.3.99 submitted by Shri.S.Yarngai, Committee Member AIPEDEU, Manipur Division, Ukhrul Branch, Ukhrul is annexed as ANNEXURE-R/6.
- Photostat copy of joint representation dtd.9.4.99 submitted by Shri.N.Seba Mashangva, and Shri.L.M.Anderson General Secretary and President respectively of B.P.O.Assn., Ukhrul is annexued as ANNEXURE-R/7.
- Photostat copy of representation Dtd.7.5.99 submitted by Shri.L.M.Anderson, President of B.P.O.Assn., Ukhrul is annexed as ANNEXURE-R/8.
- Photostat copy of representation dtd.9.8.99 submitted by Shri.A.S.Sakho, EDMC, Huining BO (Applicant No.1) is annexed as ANNEXURE-R/9.
- Photostat copy of representation dtd.11.9.99 is annexed as ANNEXURE-R/10.

(Para-wise comments to O.A.No.355/2000 between  
Shri.A.S.Sakho & Others and UOI & Others)

5. As regards Para-4.5 it is submitted that on receipt of copy of representation Dtd.22.3.99 submitted by Shri.S.Yarngai, Committee Member, AIPEDEU, Manipur Division, Ukhrul Branch, the Chief Postmaster General, N.E.Circle, Shillong wrote to the Respondent No.4 viz.Director Postal Services, Manipur to look into the matter and taken immediate necessary action vide letter No.Staff/118/14/99 Dtd.17.6.99.

6. As regards Para-4.6 it is submitted that the joint representation of the applicants Dtd.11.9.99 (along-with 2(Two)other Extra Departmental employees of Huining Branch Post Office) was received at the office of the Respondent No.4 on 20.9.99.

7. As regards Para-4.7 the Respondents No.1 to 4 have nothing to state except that as per the records available at Imphal Head Post Office the arrears of allowances payable to the applicants were paid at Imphal Head Post Office on 22.03.1999 and the Respondent No.5 had identified the applicants for taking payment from Imphal Head Post Office as stated in Para-3 above.

8. As regards Para-4.8 it is submitted that the Respondents No.1 to 4 were not responsible for withholding of arrears of allowances payable to the applicants. At present, Respondent No.4 is enquiring into the allegations of non-payment of arrears of allowances to the applicants including irregular drawal of allowances for the period from 01.05.98 to 31.12.98 by the applicant No.1.

9. As regards para-5.1 it is submitted that the applicants belonging to Extra Departmental Category are not entitled to any benefit as per the recommendation of 5<sup>th</sup> Central Pay Commission. Their entitlements are in accordance with Govt. of India decision issued vide D.G. Posts letter No.26-1/97-PC & ED cell Dtd.17.12.98 on the basis of Time Related Continuity Allowance as stated in Para-2 above.

10. As regards Para-5.2 it is submitted that the acquittance rolls prepared by Imphal Head Post Office duly signed by Post Master, Imphal Head Post Office as Drawing and Disbursing Officer was forwarded to Ukhrul Sub Post Office (ie. Account office for applicants' offices) vide S.O. Slip dtd.26.2.99. Accordingly to the statement of the Sub Postmaster, Ukhrul Sub Post Office Respondent No.5 forcibly took away the A.Rolls from the custody of the Sub Post Master. According to the Respondent No.5's own admission he had helped the applicants to receive payment at Imphal Head Post Office on 22.03.99 and he had identified the applicants as payees. At the Head Post Office there is no document/record to ascertain the circumstances under which the A.Rolls sent from Head Post Office to Sub Post Office were received back at Head Post Office for effecting payment. The payment of A.Rolls payable through Sub Post Offices at the Head Post Office is not a standard procedure. Similarly, the SDIPOs' duties do not include helping ED-Agents to receive their allowances or identifying ED-Agents at the time of disbursement of A.Rolls.

11. As regards para-5.3 it is submitted that as stated in para-3 above the arrears of allowances payable to the applicants were disbursed at Imphal Head Post Office on 22.03.99.

12. As regards Para-5.4 it is submitted that the Respondents No.1 to 4 were never responsible for withholding the payment of arrears of allowances payable to the applicants.

13. As regards Para-5.5 it is submitted that the Respondents No.1 to 4 never acted arbitrarily or illegally so as to allege violation of the principles of natural justice.

14. As regards Para-8 & 9 it is submitted that from the complaints received in the matter it appears that a prima facie case of irregularity in the payment of arrears of allowances payable to the applicants exists and the same has been taken note of. The Respondents No.1 to 4 will initiate appropriate departmental action against the officials at fault as soon as the enquiry conducted by the Respondent No.4 is over, and also if it is found that the applicants did not actually receive the payment of arrears of allowances disbursed at Imphal Head Post Office on 22.03.1999 then the applicants will be paid admissible arrears of allowances without any delay.

*9/7/2001*  
(N.C.Halder)  
Supdt.of Post Offices,  
Manipur Division:Imphal:795001.

(Para-wise comments to O.A.No.355/2000 between  
Shri.A.S.Sakho & Others and UOI & Others)

Brief History of the Case

The applicants No.2 namely Shri.S.A.Sophayo, is working as Extra Departmental Mail Carrier in Maokot Branch Post Office under Ukhrul Sub Post Office since 28.09.1982 and the applicant No.3 namely Shri. S.Malong is working as Extra Departmental Delivery Agent in Pushing Branch Post Office under Ukhrul Sub Post Office since 23.04.79. The applicant No.1 namely Shri.A.S.Sakho was working as Extra Departmental Mail Carrier in Huining Branch Post Office under Ukhrul Sub Post Office upto 30.04.1998. The service of all the above applicants are governed by Extra Departmental Agents (Conduct & Service) Rules, 1964. The allowances payable to Extra Departmental Agents were revised vide D.G Posts letter No.26-1/97-PC & ED cell

Dtd.17.12.98 (ANNEXURE-R/1) and according to the said letter, all the Extra Departmental Agents in service during the period from 1.1.96 to 31.12.98 are entitled to arrears of allowances on the revised rates as per the formula enumerated therein. Thus, the applicants No.2 & 3 were entitled to receive arrears for the period from 1.1.96 to 31.12.98 and the applicant No.1 was entitled to receive arrears from 1.1.96 to 30.4.98.

The Postmaster, Imphal Head Post Office who is the Drawing and Disbursing Officer for all the above applicants, prepared arrears payment bill in the month of February, 1999 and forwarded the same to the Sub Postmaster, Ukhrul Sub Post Office on 26.2.99 under entry in the S.O.slip

Dtd.26.02.99 (ANNEXURE-A/2) prepared by Imphal Head Post Office for Ukhrul Sub Post Office on the said date. The bills were prepared in form A.C.G-24 (Large) super-scribed

as Acquittance roll(here-in-after called as A.Roll) and were forwarded to the Sub Post Master, Ukhru Sub Post Office for effecting payment to the officials concerned. As per A.Roll No.185 (ANNEXURE-R/3) a sum of Rs.7000/- was payable to Applicant No.1 namely Shri.A.S.Sakho whereas a sum of Rs.7000/- and Rs.8860/- respectively were payable to applicants No.2 & 3 namely Shri.S.A.Sophayo and Shri.S.Malong vide A.Roll No.282 & 198 (ANNEXURE-R/4 & R/5). As per the said bills the Postmaster, Imphal Head Post Office had drawn arrears of allowances for the period from 1.1.96 to 31.12.98 in favour of all the three applicants while in fact the applicant No.1 was entitled to arrears only for the period from 1.1.96 to 30.4.98.

The Sub Post Master, Ukhru Sub Post Office received the aforementioned A.Rolls on 02.03.1999 through S.O.Slip dtd.26.02.99(as mentioned above) but he did not pay the arrears of allowances due to the applicants at Ukhru Sub Post Office. For non-payment of the said A.Rolls at Ukhru Sub Post Office, Shri.R.K.Thuingaleng, the erst-while Sub Post Master, Ukhru Sub Post Office has stated that the aforementioned A.Rolls were forcibly taken away from his possession by Shri.Kh.Jibon Singh, the then Sub Divisional Inspector of Post Offices, Ukhru & Respondent No.5 on 09.03.1999.

Thereafter, the A.Rolls were paid at Imphal Head Post Office on 22.03.99 and Shri.Kh.Jibon Singh (Respondent No.5) has admitted that he himself identified the applicants for receiving the payment of arrears of allowances from Imphal Head Post Office.

After that, a complaint dtd. 9.4.99 (ANNEXURE-R/6) jointly signed by Shri.N.Seba Mashangva, General Secy. B.P.O.Assn., Ukhrul and Shri.L.M.Anderson, President, B.P.O.Assn., Ukhrul and addressed to the Postmaster General, North Eastern Circle, Shillong was received at the Office of the Director Postal Services, Imphal vide CPMG/Shillong letter No. Staff/118/14/ 99 Dtd.20.5.99 in which it was complained among other things that the A.Rolls for payment of arrears of allowances to the Extra Departmental employees of 4(Four) Branch Post Offices namely Pushing, Huining, T.C.Compound and Maokot in Ukhrul Sub Division were forcibly taken away from the hands of Post Master, Ukhrul (ie. Sub Post Master, Ukhrul Sub Post Office) by Shri.Kh.Jibon Singh, the then Sub Divisional Inspector of Post Offices and the payment was also with-held due to that. In the said complaint, it was also requested that Shri.Kh. Jibon Singh, Inspector (ie. Sub Divisional Inspector of Post Offices, Ukhrul) may be directed to release the arrears payment bills and disciplinary action may be taken against the said Shri.Kh.Jibon Singh. Thereafter, Shri.L.M.Anderson, President of B.P.O.Assn., Ukhrul reminded the Postmaster General North Eastern Circle, Shillong vide his representation dtd.7.5.99. The applicant No.1 namely Shri.A.S.Sakho also submitted an individual representation Dtd.9.8.99 to the Director Postal Services, Imphal for release of arrears due to him for the period from 1.1.96 to 30.4.98. Thereafter, a copy of joint representation Dtd. 11.9.99 received from the applicants alongwith few other representations on the same matter was received vide Chief PMG, N.E.Circle, Shillong letter No. Staff/118/14/99 Dtd.24.9.99. Thereafter, the applicants filed O.A.No.355/ 2000 in the Hon'ble Central

Administrative Tribunal, Guwahati Bench on 25.10.2000 and the same admitted by the Hon'ble CAT, Guwahati was received at the office of the Respondent No.4 at Imphal on 20.11.2000. The enquiry made till date has brought the following facts to light:

1. The A.Rolls No.185, 198 and 282 containing the names of the applicants for payment of arrears of allowances were sent to Ukhrul Sub Post Office through S.O.Slip for Ukhrul Sub Post Office prepared by Imphal Head Post Office Dtd.26.2.99, and the same was received by the Sub Post Master, Ukhrul Sub Post Office on 02.03.1999. But, before effecting payment, the A.Rolls were reportedly forcibly taken away from the custody of the said Sub Post Master by the Respondent No.5 on 09.03.1999.
2. Shri.A.S.Sakho, the applicant No.1 had continuously been drawing the monthly allowances payable to the EDMC, Huining Branch Post Office upto 31.12.99 although he ceased to be in service after 30.4.98.

The case is still under enquiry, and as such no conclusion about the person who actually took/received the payment of the arrears of allowances payable to the applicants can be drawn at this stage. Before confirming if the arrears

payable to the applicants were actually paid to the applicants or not, order for effecting payment of arrears to the applicants will be premature.

*N.C.Haider* 9/7/2001  
(N.C.Haider)  
Supdt. of Post Offices,  
Manipur Division: Imphal: 795001.

## SECTION II.

### ORDERS OF GOVERNMENT ON THE RECOMMENDATIONS

G.I., Dept. of Posts, O.M. No. 26-1/97 - PC & ED Cell, dated 17-12-1998

I am directed to any that the recommendations made by the Justice Talwar Committee on Extra-Departmental Agents (EDAs) in respect of revision of their remuneration have been under consideration of the Government of India. The President is now pleased to order that, in full and final settlement of all pending demands relating to the implementation of the Justice Talwar Committee recommendations and in supersession of all the previous orders issued from time to time, if any, regarding the specific allowance mentioned herein, the remuneration payable to the various categories of ED Agents shall be regulated as follows:—

2. (a) **Arrears:**—Payment of arrears may be made to the Extra-Departmental Agents for the period from 1-1-1996 to 28-2-1998 by increasing the Basic Monthly Allowance by a factor of 3.25.

(b) **Time Related Continuity Allowance (TRCA):**—With effect from 1st March, 1998, the allowance for EDAs may be fixed at the minimum of the Time Related Continuity Allowance (TRCA). The Time Related Continuity Allowance for different categories of ED Agents to be implemented are given in Schedule-A annexed to these orders. If the allowance fixed by a factor of 3.25 as mentioned at Para. (a), is above the minimum of the TRCA, the difference will be protected as personal allowance to be absorbed against future entitlements for all categories of EDAs.

(c) **Leave.**—Extra-Departmental Agents may be granted paid leave at the rate of 10 days for every half year, but there shall be no provision of carry forward or encashment of this leave. This will be implemented with effect from half year beginning from 1st July, 1998.

(d) **Ex Gratia Gratuity.**—The amount of *ex gratia* gratuity for ED Agents which is presently Rs. 6,000 (Rupees Six thousand only) may be increased to Rs. 18,000 (Rupees Eighteen thousand only) with effect from the date of issue of these orders.

(e) **Office Maintenance Allowance.**—Office maintenance allowance as admissible for EDAs at present, may be increased from existing Rs. 25 to Rs. 50 per month. The increased rate will be effective from the date of issue of these orders.

(f) **Severance amount on retirement/death.**—A lumpsum Serverance amount of Rs. 30,000 (Rupees Thirty thousand only) may be paid on retirement of an ED Agent at the age of 65 years or on the death of an ED Agent provided he/she has completed a minimum of 20 years of continuous service. However, in case of an ED Agent who has completed only 15-20 years of

continuous service, the severance amount shall be only Rs. 20,000 (Rupees Twenty thousand only) on retirement or death. These provisions will be effective from the date of issue of these orders.

(g) **Severance amount on absorption on regular basis.**— Severance amount of Rs. 20,000 (Rupees Twenty thousand only) may be paid to an ED Agent who has been absorbed on regular basis against a departmental post after 15 years of continuous service as ED Agent. This provision will be effective from the date of issue of these orders.

### 3. EXPLANATION:—

- (i) The hitherto Basic Monthly Allowance paid to ED Agents will henceforth be termed as "Time Related Continuity Allowance" (TRCA).
- (ii) Basic Monthly Allowance for calculation of arrears means Basic Monthly Allowance as on 1-1-1996 exclusive of Dearness Allowance and instalments of Interim Relief.
- (iii) Where an ED Agent is on leave on 1-3-1998, he shall become entitled to TRCA from the date he joins duty. In case an ED Agent is on put off duty on 1-3-1998, he will draw TRCA, subject to final orders in the disciplinary proceedings.
- (iv) The amount of arrears would be paid in cash after adjusting the payments made towards Basic Monthly Allowance *plus* DA paid from time to time and the three additional instalments of Interim Relief.
- (v) (a) After arriving at allowance as per Para. 2 (a) above, the DA, will be regulated for the following periods as indicated below:

1-1-96	to	30-6-96	—	Nil
1-7-96	to	31-12-96	—	4%
1-1-97	to	30-6-97	—	8%
1-7-97	to	31-12-97	—	13%
1-1-98	to	28-2-98	—	16%

- (b) After fixation in TRCA, DA will be admissible as follows:—

1-3-98	to	30-6-98	—	16%
1-7-98	onwards		—	22%

—and as declared thereafter from time to time.

4. This issues with the concurrence of Finance Advice (Postal) *vide* their Dy. No. 2660/FA/98, dated 17/12/98.

### Schedule - A

#### TIME RELATED CONTINUITY ALLOWANCE (TRCA)

1. TRCA for EDMCs/ED Packers/ED Runners/ED Messengers and all other categories of ED Agents.

f. 35-

(I) Rs.1,220 - 20 - 1,600 For those with workload up to 3 hours 45 minutes.

(II) Rs. 1,545 - 25 - 2,020 For those with workload more than 3 hours 45 minutes.

2. TRCA for EDDAs/EDSVs

(I) Rs. 1,375 - 25 - 2,125 For those workload up to 3 hours and 45 minutes.

(II) Rs. 1,740 - 30 - 2,640 For those with workload more than 3 hours 45 minutes.

3. TRCA for EDBPMs

(I) Rs. 1,280 - 35 - 1,960 For those with workload up to 3 hours.

(II) Rs. 1,600 - 40 - 2,400 For those with workload more than 3 hours.

4. TRCA for EDSPMs

(I) Rs. 2,125 - 50 - 3,125

३० दी. अ०-१५ (वडा)  
C. ३२-२४ (L. १०)भारतीय डाक विभाग  
DEPARTMENT OF POST, INDIA

(डाकनार वित्तीय नियम पुस्तिका, खण्ड १ का परिचय II खेत)

(See Appendix II, Posts and Telegraphs Financial Handbook, Volume I)

(संघी ओर/OVERSE)

## वेतन चिट्ठा/ACQUITTANCE BILL

Ukhonlu  
Haining Bo

वेतन चिट्ठा १९ के लिए

से सम्बद्ध रकमाना रु.

दस्ता/No. ....

The Memorandum attached to the  
the month of

May 19 Bo

वेतन ग्राही भत्तों के  
प्रभावतार के जापन में  
दर्ज किए गए।  
To be entered in the  
memorandum of dis-  
bursement of pay and  
allowances.

१	२	३	४	५	६	७
१	२	३	४	५	६	७
१५ वर्षावाले ला. नाम और क्षमता Name and designation of officer employee	विल में निकाला मया बैंक Pay drawn to the bill	दण्ड, वस्तु, कटौतियाँ और निधि के द्वारा Fines, savings, subscriptions and subscriptions to funds	दूर कर्मचारी द्वारा वडा की जाने वाली नियम रकम Net amount payable to the employee	वेदायी की तारीख Date of payment	*प्राप्तकर्ताद्वारा हस्ताक्षर Signature of payee*	वर्तमान ३ में दर्दे की दर्द कटौतियाँ के व्यापक Particulars of deductions entered in column 3
१) Anchoring man BPM	7672		7672			
२) Saigang EDTA	8860		8860			
३) Seikhu EDMC	7000		7000			
Retired on 30.4.48.						
लाल रकम चिह्न/Cancelled over	23532		23532			

\*टिप्पणी—यदि प्राप्तकर्ता अग्रदृष्ट हो तो उसके पहिचान चिह्न और गवाह के हस्ताक्षर लिए जाने चाहिए।  
Note—When the payee is illiterate, his mark and the signature of a witness should be taken.





(उल्टी ओर/REVERSE)

अटार्ड—मानाना २ रु. की गई बाकी रकम  
Balance—Amount remaining undisbursed  
अर्था. की गई निवल रकम/Net Amount paid

इसे अदा करने का से अधिकारी द्वारा करा जाए  
To be filled in by the Paying Officer.

इस्तादर  
Signature \_\_\_\_\_  
(लेखाकार या विल क्लक्स/Accountant or Will Clerk)

पदनाम के साथ हस्ताक्षर ~~Postmaster (H. S. S.)~~  
Signature with designation ..... ~~Postmaster P. O. 12500~~  
(पाने वाले विभागीय/Drawing Office)

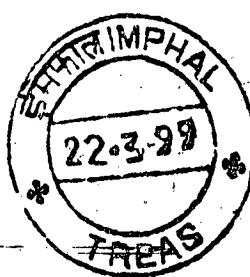
an extra / located in the middle of the page 18

त्रिमाणित किया जाता है कि ऊपर दिखाई गई, अदा की गई स्त्रम वर्यात् रूपये..... (इन्होंने)  
का भुगतान मेरे सामने/मेरे प्रतिनिधि के सामने किया गया है और इस वेतन चिट्ठे में अदा की गई कर रकम के सम्बन्ध में इसे  
पाने के हकदार व्यक्ति से उचित परिचान दिया गया।

Certified that the amount viz. Rupees ..... (In words)  
paid as shown has been disbursed in my presence/in the presence of my representative and that a proper acquaintance has been taken by  
receipt of each account paid in this Roll from the person entitled to receive it.

गोल मनोआँडर भाहर का चिह्न वह इसका प्रयोग  
नहोता हो तो पहले के अदायगी डाकघर की  
तारीख-भोहर का चिह्न

ताराज-माहर का चक्र  
Impression of the round M. O. stamp or of the  
Date-stamp of the paying office if the  
former is not used by the office.



प्रस्तावना सहित इस्ताक्षर  
Signature with designation

१० दिन ली-०-३४ (बड़ा)  
१० दिन ली-०-३४ (लिपि)

भारतीय डाक विभाग  
DEPARTMENT OF POST, INDIA

(डाकनार वित्तीय नियम पुस्तिका, खण्ड I का परिचय II देखें) (See Appendix II, Posts and Telegraphs Financial Handbook, Volume I.)

(सीधी ओर/OVERSE)

### ऐतम चिट्ठा/ACQUITTANCE ROLA

प्राचीन ग्रन्थों की विवरणीय विवरणीय 19 के लिए 19

गीत अध्ययन संस्कृता वा

ମୁଦ୍ରା/ମେଲା.....

वेतन और सत्तों के सुगतान के जापन दर्ज किए गए।

To be entered in the  
memorandum of dis-  
bursement of pay and  
allowances.

As the ~~Examiners~~ ~~Examiner~~ attached to the  
in the month of

"say are so

“टिकटी—बस भाजकर्ता अपनी की तो उसके पहिचान चिह्न और गवाह के हस्ताक्षर लिए जाने चाहिए।  
“Ticket—When the buyer is identified, his mark and the signature of a witness should be taken.

(उल्टी ओर/REVERSE)

धराए— भूमिका न की गई वाकी रकम  
पैसे की अवधारणा की जाए।

*Outstanding*—Amount remaining undisbursed.

भवा की यह निवल रकम/Net Amount paid

इसे अदा करने का अधिकारी द्वारा भरा जाए  
To be filled in by the Paying Officer.

Passed for Rs. 886/- Ceylon Traveling Allowance Bill of  
 (अक्षर/Figures) (शब्द/Words) के स्थापना/यात्रा भत्ता विवर के प्राधिकार पर।

on the authority of the Establishment/Travelling Allowances Bill of  
for

Postmaster (H.S.G.-I)

Kamphaul - 795901.

(पाने वाला अधिकारी/Drawing Officer)

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पदनाम के साथ हस्ताक्षर  
Signature with designation...

प्रभाणत किया जाता है। के ऊपर दियावै गृह, अदा का यशस्वी मेरे सामने/मेरे प्रतिभिष्ठि के सामने किया यश पाने के दृक्कार व्यक्ति से उपर्युक्त परिवान लिया गया।

Certified that the amount wiz. Rupees..... in words..... paid as shown has been disbursed in my presence/in the presence of my representative and that a proper acquaintance has been taken in respect of each amount paid in this Roll from the person entitled to receive it.

गाल भनोक्साईर भोहर का चिह्न यदि हसका प्रश्नोग  
न होता हो तो पहले के अदायगी डाकघर का

### तारीख-मोदर का चिह्न



### वद्यनाम संकेत हस्ताक्षर Signature with designation

### Significance with investigation

(जरा करने वाले अधिकारी) / Paying Officer

To

MAIL SERVICES  
1960

URGENT

ANNEXURE - R/6

P 39

The Director, Postal Services,  
Manipur Division, Imphal.

Subject : Immediate payment/Disbursement  
of Arrears of Pay Scale to EDA,  
EDDA & EDMC of 4(four) Branch  
Offices under Ukhru Sub-Divn.

Sir,

The undersigned on behalf of the aggrieved  
party beg to state on the subject stated above that  
the Arrears of Pay Scale revision under 5th Pay  
Commission payable to the following Branch offices,  
EDA, EDDA & EDMC employees were not paid/disbursed  
till date whereas all other employees have already  
received on 20-3-1999. The A/Rolls of EDA, EDDA &  
EDMC not received are :-

1. Pushing B.O. ✓	2 ( 1-EDA & 1-EDDA ) - 0
2. Huining B.O. ✓	3 ( 1-EDA, 1-EDDA, 1-EDMC ) ✓
3. T.C. Compound B.O.	3 ( 1-EDDA, 1-EDMC ) do
4. Maokot line B.O.	2 ( 2- EDMC ) <i>already drawn</i>

As a matter of fact, the Ukhru Sub-Division  
Inspector, Shri Kh. Jibon Singh, had forcibly taken  
away the said A/Roll from the hands of the post  
Master, Ukhru as told by the PM, Ukhru so.

You are therefore, requested kindly to dispose  
the matter favourably at the earliest convenience and  
redress our grievances.

Yours faithfully,

( S. YARNGAI )  
Committee Member,  
NIPPLEDEU, Manipur Divn.,  
Ukhru Branch, Ukhru.

Copy to :-

1. The Post Master General, Shillong, Meghalaya for his kind information and favourable actions.
2. The Post Master, Ukhru Sub-Office for kind information & necessary action.
3. The President, All India Postal Extra Departmental Employees Union, Manipur Division for his kind information and favourable action.

Dated,  
The 22nd March, 1999.

( S. YAHNGAI )  
Committee Member,  
AIPDEU, Manipur Divn.,  
Ukhru Branch, Ukhru.

To



ANNEXURE-R/8

P 41

The Post Master General,  
North Eastern Circle,  
Shillong.

Subject :- Prayer for release of arrears of Pay  
to EDA, EDDA and EMD of 4 (four)  
Branch Offices under Ukhru Division  
- A REMINDER.

Sir,

The undersigned on behalf of the Members of Branch Post Office Association, Ukhru, have the honour to draw once again your kind attention on the subject cited above as REMINDER to our previous petitions dated 9-4-99 and 22-3-99 for a befitting action thereof. The copies of the previous petitions are also enclosed for your kind reference.

Since nothing is heard on the matter, this REMINDER is submitted for speedy action thereof.

You are, therefore requested to be kind enough to expedite the case and redress the grievances of the aggrieved party.

Yours faithfully,

Dated, Imphal,  
the 7th May, '99.

L. M. Anderson  
( L. M. Anderson )  
President B.P.O. Assn.  
Ukhru 795142, Manipur.

President  
B.P.O. Assn.



ANNEXURE - R/9

842

151

To The Director of post offices  
Manipur Imphal

Sub:- Request for payment  
of arrear WEF 1-1-96 to 4/1998

Sir,

With reference to the above subject I have the honour to say that I was serving as EDMC Hunning B.O under ukhrul S.O up to 30-4-1998.

Unluckily my service along with my comrades

i.e (1) Changpui EDMC Mapsum B.O (2) Marangmi EDMC Chittan B.O (3) Kipper EDMC Tushen B.O (4) Fasung EDMC L. gale B.O were terminated vide order No A/1112/

At 30/4/98 issued by the Inspector of post offices ukhrul. In compliance of the order, I stopped my service, But all my comrades are still serving and getting their pay and arrear regularly. But I have not yet received my arrear mention above.

I have submitted to post Master Imphal H.O. But no action was taken still.

I therefore request you to kindly to pay my due arrear WEF 1-1-1996 to 31-4-1998 in creases from time to time.

Yours faithfully

A S. Sarker

EDMC

Hunning B.O  
under ukhrul S.O.