

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 10th day of December, 2008

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

1. ORIGINAL APPLICATION No.321/2004

Suresh Chand Sharma,
EDDA-cum-EDMC,
Village & Post Budha via Reni,
District Alwar,
O/o Superintendent of Post Offices,
Jaipur Rural,
Jaipur.

... Applicant

(By Advocate : Shri Arun Sharma)

Versus

1. Union of India through
Secretary to the Govt.,
Department of Posts,
Government of India,
New Delhi.
2. Chief Post Master General,
Rajasthan Circle,
Sardar Patel Marg,
Jaipur.
3. Supdt. of Post Offices,
Jaipur Rural,
Jaipur.

... Respondents

(By Advocate : Shri Gaurav Jain)

2. ORIGINAL APPLICATION No.530/2004

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Ghanshyam Dutt Sharma,
EDDA-cum-EDMC,
Village & Post Bhonokar via Ronija Than,
Tehsil Kathoomar,
District Alwar.

... Applicant

(By Advocate : Shri Arun Sharma)

Versus

1. Union of India through
Secretary to the Govt.,
Department of Posts,
Government of India,
New Delhi.
2. Chief Post Master General,
Rajasthan Circle,
Sardar Patel Marg,
Jaipur.
3. Sr.Suptd. of Post Offices,
Alwar Division,
Alwar.

... Respondents

(By Advocate : Shri Gaurav Jain)

3. ORIGINAL APPLICATION No.13/2005

Jagdish Prasad Sharma,
EDDA-cum-EDMC,
Village & Post Daroda via Kherli,
Tehsil Kathoomar,
District Alwar.

... Applicant

(By Advocate : Shri Arun Sharma)

Versus

1. Union of India through
Secretary to the Govt.,
Department of Posts,
Government of India,
New Delhi.

2. Chief Post Master General,
Rajasthan Circle,
Sardar Patel Marg,
Jaipur.
3. Sr.Suptd. of Post Offices,
Alwar Division,
Alwar.

... Respondents

(By Advocate : Shri Gaurav Jain)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

By way of this common order we propose to dispose of these three OAs as the issue involved in these cases is the same.

2. Brief facts of the case are that the applicants are performing the duties of EDDA-cum-EDMC/GDSDA-cum-GDSMC with the respondents. As per the instructions issued by the Department, the applicants are performing combined duties of the aforesaid two posts and they are entitled to the benefit of second Time Related Continuity Allowance (TRCA) on the basis of workload of the post. According to the applicants, the working hours of the post of EDDA/GDSDA are more as compared to the post of EDMC/GDSMC and as such it was incumbent upon the respondents to grant second TRCA for the post of EDDA/GDSDA instead of EDMC/GDSMC. In these cases, the applicants have prayed that a direction may be given to the respondents to grant second TRCA for the post of EDDA/GDSDA from the due date.

3. Notices of these applications were given to the respondents, who have filed their reply. In the reply, the respondents have categorically stated that the applicants were initially engaged as EDMC/GDSMC. Their workload was reviewed from time to time and it was found that the workload

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of the post of EDMC/GDSMC was more as compared to the post of EDDA/GDSDA and as such the applicants have rightly been granted the second TRCA for the post of EDMC/GDSMC and the applicants are not entitled to get any relief.

4. The applicants have also filed additional-affidavit in order to show that the workload of the post of EDDA/GDSDA is more as compared to the post of EDMC/GDSMC and as such, according to the applicants, they are entitled to get the relief.

5. We have heard learned counsel for the parties and gone through the material placed on record.

6. The question whether the workload of EDDA/GDSDA is more as compared to EDMC/GDSMC is a matter of fact which cannot be gone into by this Tribunal especially on the basis of averments made by the parties. No contemporaneous record has been placed on record in order to come us to the conclusion regarding workload of the aforesaid posts. The respondents have placed on record, at Ann.R/4 in OA 13/2005, a policy decision stating therein how the working hours of the posts are to be calculated, but no attempt has been made on behalf of the applicants to justify the workload of the post of EDDA/GDSDA on the basis of said policy so prepared by the respondents. In any case, as already stated above, it cannot be precisely concluded whether the workload of the post of EDDA/GDSDA is more as compared to EDMC/GDSMC, as contended by the applicants.

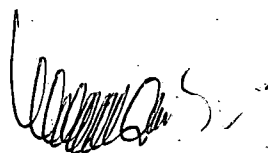
7. We are thus of the view that it will be in the interest of justice if the applicants are allowed to make representation before the appropriate authority thereby placing all the material, including the material filed by them by way of additional-affidavit in these OAs, and the appropriate authority can decide such issue. Accordingly, the applicants are directed to make appropriate representation to respondent No.2 i.e. Chief Post Master General, Rajasthan Circle, Jaipur, within a period of one month from today and in case such a

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representation is made by the applicants, respondent No.2 will decide the same by passing a reasoned and speaking order within a period of two months from the date of receipt of such representation.

8. With these observations, these OAs stand disposed of.
No order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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