

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.**

Original Application No. 644/2011.

Dated this Monday) the 16th Day of December, 2013.

**Coram: Hon'ble Shri Anil Kumar, Member (A)
Hon'ble Shri A.J. Rohee, Member (J).**

Hanuman Prasad Sharma,
s/o Shri Raghu Nandan
Prasad Sharma,
resident of Village &
Post Bichpuri Gujran,
via Khandar District
Sawai Madhopur and retired
on 14.07.2011 from the post of
Gramin Dak Sevak, Mail Deliver,
Branch Post Office Bichpuri
Gujran, via Khandar,
District Sawai Madhopur. .. Applicant.

(By Shri C.B. Sharma, Advocate).

Versus

1. Union of India, through its Secretary to the Government of India, Department of Posts, Ministry of Communication and Information Technology, Dak Bhawan, Sansad Marg, New Delhi - 110 001.
2. Chief Post Master General, Rajasthan Circle, Jaipur - 302 007.
3. Superintendent of Post Offices, Sawai Madhopur Postal Division, Sawai Madhopur-322001.
4. Sub Divisional Inspector (Postal), Sawai Madhopur-322001. .. Respondents.

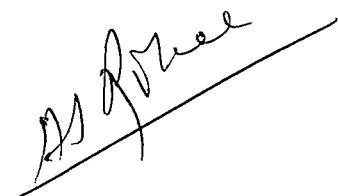
(By Shri Mukesh Agarwal, Advocate).



O R D E R
Per : A.J. Rohee, Member (J) .

The applicant who retired as Gramin Dak Sevak Mail Deliver, from Branch Post Office Bichpuri Gujran, District Sawai Madhopur, by this application under Section 19 of the Administrative Tribunals Act, 1985 seeks direction to the Respondents to sanction pay scale of Rs.4200-75-6470 for his post instead of Rs.3635-65-5585 meant for Gramin Dak Sevak Mail Carrier, with effect from 01.01.2006 by quashing the impugned order dated 13.09.2011 Annexure A-1 passed by Respondent No.3 with consequential benefits.

2. The applicant was appointed as Gramin Dak Sevak Delivery Agent on 22.03.1982 vide Annexure A-2 under the P & T Extra Departmental Agents (Conduct & Service) Rules, 1964 and was posted at Bichpuri. He continued to work there till his retirement on superannuation. According to the applicant in spite of revision of pay with effect from 01.01.2006 he was paid salary and allowances for the post of Gramin Dak Sevak Mail



Carrier. His representations dated 20.05.2010 (Annexure A-3) and 11.05.2011 (Annexure A-4) before his retirement were not favourably considered by the Respondents and the impugned order dated 13.09.2011 Annexure A-1 was passed ignoring the fact that the applicant in fact worked as Gramin Dak Sevak Delivery Agent. The applicant was granted retiral benefits on 10.10.2011 (Annexure A-6) on the basis of pay scale of Gramin Dak Sevak Mail Carrier and not as Gramin Dak Sevak Delivery Agent/Mail Deliver. The applicant again submitted representation dated 21.10.2011 after his retirement vide Annexure A-7. For removal of anomaly in his pay scale, he approached this Tribunal alleging that his representations were illegally rejected.

3. On notice the Respondents appeared and filed reply dated 27.06.2012 resisted the claim denying all the adverse allegations and averments made therein. According to the Respondents although the applicant was appointed as GDS Delivery Agent, subsequently as per the recommendations of the Vth Central Pay Commission Time Related Continuity Allowance (TRCA) of the

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Gramin Dak Sevak was revised vide Office Memorandum dated 17.12.1998. Vide letter dated 05.03.1999, the Department of Posts issued clarification regarding TRCA of GDS Delivery Agents-cum-Mail Carriers, according to which no TRCA has been specified in the Office Memorandum dated 17.12.1998 for Extra Departmental Delivery Agents-cum-Mail Carriers. This being so, the pay and allowances of the applicant were correctly drawn by the Respondents on the basis of the work load and the applicant actually rendered his services as GDS Mail Carrier. As per the norms work load of Branch Post Office Bichpuri Gujran where the applicant was posted, was assessed and it was found that the work load of GDS Mail Carrier was found higher in proportion to the work load of GDS Delivery Agents. Hence vide order dated 27.03.2000, the TRCA of GDS Mail Carrier was fixed at Rs.1545/- with effect from 01.03.1998 and accordingly the applicant was paid the salary. The applicant never raised objection for the same, hence the present application is barred by limitation. After revision of pay scale also on 01.01.2006 the applicant did not

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raise any objection and continued to get the salary fixed by the Respondents till his retirement. His representations were, therefore, rightly rejected. There is no question of refixation of the pay scale of the applicant and hence application is liable to be dismissed.

4. We have heard the oral submissions of Shri C.B. Sharma, learned Advocate for the applicant and Shri Mukesh Agarwal, learned Advocate for the Respondents. We have carefully perused the pleadings of the parties, the documents relied upon by them in support of their rival contentions and have given thoughtful consideration to the submissions advanced before us.

5. The only point that arises for our consideration is whether the applicant is entitled to the relief sought by him. We record our finding in the negative for the following reasons:-

REASONS

6. It is obvious from perusal of the pleadings of the parties that Gramin Dak Sevak, Delivery Agent

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and Gramin Dak Sevak, Mail Carrier are appointed for distribution of the Dak received in the post offices. Annexure-R/1 produced on record on behalf of the respondents clearly shows that there was revision of allowances of Extra Departmental Agents vide Directorate O.M. No. 26-1/97-PC&ED cell dated 17/12/1998. Subsequent to it since Directorate received references from different circles seeking clarifications on various matters arising out of revision of the allowances of the Extra Departmental Agents vide letter dated 05/03/1999 (Annexure R/1) point wise clarification was issued by the Director (Estt.) on behalf of the Ministry of Communication, Department of Posts. Our attention was invited to point No. 4. It reads as under : -

" No TRCA has been specified in order dated 17.12.98 for Extra Departmental Delivery Agent cum Extra Departmental Mail carrier."

The query was answered as :

" The TRCA of the post which has higher proportion of work load may be made applicable to EDDA-cum-EDMC. It is also clarified that higher proportion of

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workload will be decided on the basis of the prescribed norms as laid down in existing instructions."

7. Thus it is obvious on the basis of above communications that post of Gramin Dak Sevak, Delivery Agent is equated with that of Gramin Dak Sevak, Mail Carrier. It is not shown by the applicant that separate pay scale were fixed for the above referred two posts as mentioned in Para 4 (ii) of the application.

8. Annexure-R/2 produced by the respondents refers to tentative standards for sanctioned posts of the Postman at branch office Bichpuri Gujran. Standard for sanctioning of posts of Mail Peons, Letter Box Peons and Packers in post offices is also prescribed therein.

9. Annexure R/3 shows that Superintendent Post office, Swaimadhapur Division issued the office memorandum on 23/07/2000 in pursuance of the letter dated 17/12/1998 of the Directorate (referred in Annexure R/1) revised the TRCA which is also styled as new basic allowance. It is obvious that the said revised TRCA was made effective from 01/03/1998. It also appears from the record that TRCA was further

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revised by the Government in the year 2009 w.e.f. 01/01/206 and since the applicant was getting TRCA of Gramin Dak Sevak Mail Carrier till order dated 27/03/2000 (Annexure-R/3), TRCA was accordingly revised for the said post.

10. It is true that in the Appointment Order and the Pension Sanction Order the applicant is designated as Gramin Dak Sevak, Delivery Agent. However it appears that Pay Band was same for both the posts of Delivery Agent and Mail Carrier. It is also obvious from record that on basis of workload the applicant was granted revised TRCA and accordingly pension was also sanctioned. There is nothing on record to show that the applicant raised any objection to revised TRCA. Date 23/07/2000 or thereafter date 09/10/2009 and hence it can be said that the present application is barred by limitation although the Impugned Order is dated 13/09/2011 from which date the present application is filed within limitation. It is not known why the applicant did not raise his protest for revision of TRCA earlier and kept mum till filing his representation (Annexure A/3) on 20.05.2010.

11. In any case we are of the view that applicant is not entitled to get any relief and hence

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it cannot be said that the impugned order is illegal in any manner. In the result the application is dismissed, however with no order as to cost.



(Arvind Rohee)

Member (Judicial)



Anil Kumar

(Anil Kumar)

Member (Administrative)

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