

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

ORIGINAL APPLICATION NO. 180/00623/2014

Wednesday, this the 21st day of November, 2018

CORAM

**HON'BLE MR.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER
HON'BLE MR.ASHISH KALIA, JUDICIAL MEMBER**

K.K.Vijayan
S/o.Kunji Krishnan Nair, aged 49 years
GDS BPM, Perumpunna, Peravoor, Kannur-670 673
Residing at Kaitheri Kunnath House
Muringodi, Perumpunna P.O
Peravoor, Kannur – 670 673

Applicant

[By Advocate Mr.V.Sajith Kumar]

V.

1. Union of India, represented by Secretary to Government
Department of Posts, Ministry of Communications
Government of India, New Delhi – 110 011
 2. The Chief Postmaster General
Kerala Circle, Trivandrum – 695 033
 3. The Superintendent of Post Offices
Thalassery Postal Division
Thalassery – 670 102

(By Advocate Mr.T.C.Krishna, Senior Panel Counsel)

This application having been finally heard on 16.11.2018, the Tribunal on 21.11.2018 delivered the following in the open court.

ORDER

Per: MR.ASHISH KALIA, JUDICIAL MEMBER

The reliefs sought by the applicant in the Original Application are as follows:

- “(i) To quash Annexure A1, Annexure A2 and Annexure A3
- (ii) To declare that the reduction of salary on the ground of reduction in workload without reducing working hours is highly arbitrary and unconstitutional;
- (iii) To direct the respondents to grant and continue to pay TRCA of Rs.3660-70-5760 to the applicant
- (iv) Grant such other reliefs as may be prayed for and as the Court may deem to fit ”

2. The brief facts of the case are as under:

Applicant working as GDS BPM is aggrieved by the proceedings resulting in reduction in salary without reduction of working hours. His request for reassessment of the workload as per the instructions of the 1st respondent was rejected by respondent no.3 (Annexure A-1). It is submitted that the respondents had proposed for reduction of TRCA by proceedings dated 8.11.2012. According to the terms of the notice, unless workload is improved, the existing pay will have to be reduced (Annexure A-2) and the reduction was implemented with effect from 6.3.2014 (Annexure A-3). It is submitted that there was substantive increase in the workload after the issuance of Annexure

A-2. Therefore, applicant requested the respondents to reassess the workload based on the 4 quarter month's statistics and also brought to notice that branch post office is kept open for 4 hours, therefore, applicant need to be paid for 4 hours duty (Annexure A-4). Applicant has produced a true copy of his salary bill as Annexure A-5 to show the penurious condition of the applicant after deduction in pay. A true copy of the relevant pages of workload assessment of November 2012 for the purpose of special review by the 3rd respondent is produced as Annexure A-6. Applicant submits that the reduction of workload based on irrational calculation and in violation of instructions by the Director General of Posts is highly unfair and illegal. Hence, applicant approached this Tribunal for redressal of his grievances.

3. Notices were issued to the respondents. They have entered appearance and filed reply statement. Respondents submitted that the applicant entered into service as GDS on 9.3.90 at Perumpunna BO in account with Peravoor S.O as GDS BPM. He was drawing TRCA in the slab Rs.3660-70-5760. The periodical review of a BO is required to be conducted once in 3 years based on the statistics collected for any 4 quarter months of the year. Last review of Perumpunna BO was accordingly conducted based on the 4 quarter months of August-2006, November 2006, February 2007 and May 2007(Annexure R-1). Based on these statistics review conducted and orders issued on 31.3.2009

along with 29 other BOs (Annexure R2). The next review should be conducted after 3 years taking the same method. With effect from 3.12.2013 the reduction is implemented along with 26 other BOs. They further submitted that on the periodical review, the workload of Perumpunna BO, where the applicant is serving as BPM, was found to be very low as the points earned for the workload assessed was 43.25. Thereafter a special review was again conducted and on receiving the statistics, it was duly verified by the Inspector of Posts during February 2014. The work load of the BPM and the point as per the assessed workload is found to 47.92 (within the points required for the minimum TRCA). Hence the TRCA was reduced to the lower slab w.e.f 8.11.2013 by issuing Annexure A-3 order as per the directions contained in the Annexure A-2 notice issued by the third respondent.

4. Heard Mr.V.Sajith Kumar, learned counsel for the applicant and Mr.T.C.Krishna,Sr.PCGC, learned standing counsel for the respondents at length and perused the records.

5. The issue raised by the applicant is that re-assessment of the workload as per the instructions of the first respondent conducted by the respondents is not found correct. The respondents have already done the same in periodical review in almost every Branch Offices and the report thereto has been annexed

herein with reply. Except emphasising the averment made in the O.A, the applicant has not placed on record any document to show that either the TRCA is not correctly reviewed by the Department or any discrepancy in doing that. In the special review conducted, the statistics was duly verified by the Inspector of Posts, the workload of the BPM and the point as per the assessed work load is found to be 47.92 and hence the TRCA was reduced to lower slab. There is no irregularity found in the action of the respondents for reducing TRCA. However, in respect of the second point regarding reduction of working hours, applicant has not placed any document which shows that the working hours would adequately be reduced in case of TRCA fixed at lower grade. As stated by the respondents, being a public utility, the working hours of the Branch Post Office is pre-fixed and the time given for the rural public cannot be altered or reduced frequently with respect of the work load in points of the Branch Postmaster.

6. Thus, we are of the view that the Original Application has no merit on its side and it is liable to be dismissed. Ordered accordingly. No order as to costs.

(ASHISH KALIA)
JUDICIAL MEMBER
SV

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

List of Annexures

Annexure A1 - A true copy of the Order No.A-1/351 dated 24/4/2014 issued by the 3rd respondent

Annexure A2 - A true copy of the proceedings No.A1/21/2010-11 dated 8/11/2012 issued by the 3rd respondent

Annexure A3 - A true copy of the Order No.A1/21/2010-11 dated 6/3/2014 issued by the 3rd respondent

Annexure A4 - A true copy of the representation dated 14/3/2014 is submitted by the applicant before the 3rd respondent

Annexure A5 - A true copy of the salary bill in the month of May 2014

Annexure A6 - A true copy of the relevant pages of workload assessment the special review by the 3rd respondent

Annexure R1 - True copy of the review conducted in quarter August 2006, November-2006, February 2007

Annexure R2 - True copy of the order dated 31.3.2009

Annexure R3 - True copy of the review conducted in quarter August 2009, November 2009, February 2010 and May 2010

Annexure R4 - True copy of the work calculation

Annexure R5 - True copy of the DG Post letter NBo.6-1/2009-PRII dated 9.10.2009

Annexure R6 - True copy of the directorate letter No.5-1/07-ws-I dated 15.10.12

Annexure R7 - True copy of the Directorate letter No.5-1/2007-ws-1(pt)

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