

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No.180/00761/2014

Thursday, this the 5th day of April, 2018

CORAM:

Hon'ble Dr.K.B.Suresh, Judicial Member

Hon'ble Mr.E.K.Bharat Bhushan, Administrative Member

K.P.Sasidharan

S/o.Late Kandan Kunjukunju

GDSMD, Department of Posts

Mallappally East

residing at Keezhadiyil, Perumpetty P.O

Thiruvalla

..... **Applicant**

(By Advocate – Mr.V.Sajith Kumar)

V e r s u s

1. Union of India, represented by Secretary to Government
Department of Posts, Ministry of Communications
Government of India, New Delhi-110 001

2. The Chief Postmaster General
Kerala Circle, Trivandrum-695 001

3. The Superintendent of Post Offices
Thiruvalla Postal Division
Thiruvalla-689 101

4. The Inspector of Posts
Mallappally Sub Division
Mallappally-689 585

..... **Respondents**

(By Advocate – Mr.C.P.Ravikumar, ACGSC)

This Original Application having been heard on 5.4.2018, the Tribunal on the same day delivered the following:

O R D E R (ORAL)

Per: Dr.K.B.Suresh, Judicial Member

Heard. The applicant challenges re-arrangement of his workload by splitting his work which he now alleges that it is against the **Madan Kishore**

Committee's report. That is found upon fixing of duties for a GDS. As we are already seen that GDS is a low paid employee of Postal Department. It figures in the nature of duties as they observed in service for a lesser payment in contradiction to each other. Respondents submitted in the reply that to fill up a post which is likely to become vacant, the workload of post of the postman, GDS MD and GDSMP was assessed as per the statistics collected during October 2013. The work load of the Postman was found to be 6 hours and 5 minutes, GDS MD's workload is 3 hours 22 minutes and GDS MP's workload is 1 hour 41 minutes. No details are available as to how this is found out. Apparently, one reason strikes us that Mallappally area is a hilly area. If one conclude that delivery of postal article which to be conducted through walking is to be converted into cycling, necessarily the period of time consumed can be much more than is brought out. But then there is nothing which is available in the pleading to suggest that such an exercise was undertaken. Quite admittedly Mallappally is a hilly terrain and therefore, the order of respondent no.4 restricting duty hours of officials in the post of GDS MD as if in a skeleton form and enter the duties of the GDS MD Mallappilly but assigning part of delivery area covered by GDS MD to a Postman at Mallappally does not seem to be appropriate nor relevant on the basis of the available data proclaimed by the reply statement.

2. But to cap it all, once a person is employed as a Postman or a GDS MD or a GDS MP, most of the time, the entire day itself is lost, whether it is given in patches of work or otherwise. By deciding that the applicant would work from morning till a particular hour and evening from a particular hour, practically the entire day of his working would be lost. Eventhough, the concept of GDS is that he can have other usual employment also in the

fractions thus provided, it is not practically feasible. Therefore, it does not appear to us as just or reasonable to parcel out work in this fashion. The function of the Postal Department even though it has been assigned as profit centres, is not to exploit its employees.

3. After hearing both sides, we do not find any reason to think that there is concrete and viable reason to say that instead of walking the applicant can very well cycle the distance and therefore reduce the time. That seems to us to be irrelevant and highly irresponsible as well. Because Mallappally admittedly is a hilly terrain and it is not possible for a person to travel on cycle to all these places. But even so such tight packing into time frames without adequate reasoning is not available **as in case of any doubt, the benefit of doubt must be given to the workmen working under the department.** Therefore, Annexures A-1 & A-3 being illegal and inappropriate, are quashed.

4. We hereby declare that conversion of foot beat into cycle beat for fixation of TRCA is arbitrary and illegal. The respondents may conduct an actual review with the juncture of the applicant also and pass such other appropriate orders as the case may be within one month time. But till such time old pattern is to be followed and benefits disbursed within one month. O.A is allowed as above. No costs.

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

(DR.K.B.SURESH)
JUDICIAL MEMBER

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List of Annexures

Annexure A-1 - A true copy of the Memo No.MSD/EST dated 26.2.2014 issued by the 4th respondent

Annexure A-2 - A true copy of the letter No.B/Union/2013-14 dated 12.3.2014 issued by the 3rd respondent

Annexure A-3 - A true copy of the Memo No.MSD/EST dated 20.6.2014 issued by the 4th respondent

Annexure A-4 - A true copy of the D.G., P&T letter No.13-1/72-ED Cell dated 18.1.1973

Annexure A-5 - A true copy of the petition dated 29.3.2014 submitted by the applicant to the 3rd respondent

Annexure A-6 - A true copy of the letter No.RTI/Digs/52/2013 dated 7.2.2014 releasing information under RTI Act

Annexure A-7 - A true copy of the statistics released to Secretary NAPE, Group C, Thiruvalla by letter No.RTI/Digs/09/2014-15 dated 27.6.2014 issued by the 3rd respondent.

Annexure R-1 - A true copy of DG's letter No.9-1/2005 – W.S.I/PE.I dated 5.2.2010

Annexure R-2 - A true copy of Department of Posts letter No.17-103/2007-GDS dated 6.1.2012

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