

OA.No.170/00983/2016/CAT/BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00983/2016

DATED THIS THE 16TH DAY OF AUGUST, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI DINESH SHARMA, MEMBER (A)

1. All India Association of Postmaster Cadre (AIAPC),
Karnataka Circle (Ad-hoc)
Represented by its Secretary
Sri Manjunath R
Working as Postmaster Grade-I
Mahadevapura Post Office,
Bangalore – 560 048

2. Manjunath R,
S/o C. Rajanna,
Aged about 42 years,
Post Master Grade I,
Mahadeva Pura Post Office,

Bangalore – 560 048

.....Applicants

(By Advocate Shri B.S. Venkatesh Kumar)

Vs.

1. Union of India
 Represented by its Secretary,
 Department of Posts,
 Ministry of Communication and
 Information Technology,
 Dak Bhavan,
 Parliament Street,
 New Delhi – 110 001.

2. The Chief Post Master General,
 Karnataka Circle,
 Palace Road,
 Bangalore – 560 001

....Respondents

(By Shri S. Sugumaran, Counsel for the Respondents)

O R D E R (ORAL)(HON'BLE DR. K.B. SURESH, MEMBER (J))

Heard. The matter seems to be covered by the order in No. 01-01/2017-

Senior dated 25.07.2018 which we quote below:

“All India Association of Postal Supervisors(GL) approached to Hon'ble CAT, Chennai Bench through MA.310/00106/2018 & OA.310/00221/2018 on the plea that the representation submitted by the Association to Secretary (Posts) vide letter No.AIAPS/GS/CWC minutes Memorandum dated 25.05.2017 is yet to be decided. Accordingly, the Hon'ble Cat, Chennai bench disposed off the case at

the admission stage vide Order and Judgment dated 16.02.2018 with the following direction:-

“To meet the ends of justice, without going into the merits of the case, I deem it appropriate to direct the 1st respondent(i.e. UOI represented by Secretary, Department of Posts, New Delhi) to consider the representation of the 1st applicant association (i.e. All India Association of Postal Supervisors (GL)) dated 25.05.2017 in accordance with law and pass a reasoned and speaking order thereon within a period of 12 weeks from the date of receipt of a certified copy of this order.”

2. The demands of the Association submitted vide letter dated 25.05.2017, have been examined and the following observation/reply is made:-

| Sl. No. | Demands raised by the Association | Observation/Reply |
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| 1. | <i>Requesting Postal wing Group C Cadre restructure completion report Vide D.G.Post letter No.25-04/2012-PE-I dated 27th May 2016, from all the postal circle without further delay.</i> | <p><i>The Cadre Restructuring Order of Group ‘C’ employees was issued vide this office letter no.25-04/2012-PE-I dated 27.05.2016. Before this Cadre Restructuring, around 93.16% posts were in the Postal Assistant’s Grade and there were less than 7% posts in the remaining 3 Grades of LSG, HSG-II & HSG-I, which resulted in the prolonged stagnation of more than 25 years in the Postal Assistant’s Grade. The Postal Assistants usually retire only after getting MACPs and only 1 promotion of LSG. Acute stagnation in the post hinders attraction of meritorious candidates for the post and most of the selected candidates leave the service at a very early stage. Normally, the hierarchical structure of a cadre is to be designed in such a manner that promotion to the next grade takes place within 10 years. Therefore, the aforesaid Cadre Restructuring is an attempt to increase the promotional avenues of the Postal Assistants and other Grade in the Cadre.</i></p> <p><i>Some clarifications were also</i></p> |

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| | | <p><i>issued to the Circles vide this office letter of even number dated 11.11.2016. however, Circles still faced many problems in implementing the Cadre Restructuring Orders.</i></p> <p><i>Therefore, on representation of various Staff Unions to the Secretary (Posts), regarding the issues arising out of implementation of Cadre Restructuring of Group 'C' employees, a Committee was constituted under the Chairmanship of Sh. Charles Lobo, CPMG Karnataka Circle, to examine all such issues, The Committee examined all the issues raised by the Staff Unions/Federations and Postal Circles and submitted its report on 22.09.2017. The recommendations of the Committee, as accepted by the Competent Authority, were circulated vide this office letter of even number dated 10.11.2017.</i></p> <p><i>The matter of "Relaxation of minimum qualifying service for promotion to HSG-II and HSG-I" has also been referred to the Staff Branchy of this Directorate.</i></p> <p><i>Thereafter, in order to ensure that the Cadre Restructuring is implemented in a guidance to the Circles, a Facilitation Group was constituted, vide this office letter of even number dated 23.11.2017, under the Chairpersonship of Ms.Smriti Sharan, DDG (Estt.). The Facilitation Group will shortly hold workshops to guide Circles to implement Cadre Restructuring of Group 'C' employees.</i></p> <p><i>However, still various references/phone calls were being received from the Postal Circles seeking various</i></p> |
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| | | <p><i>clarifications/information w.r.t. the aforesaid Cadre Restructuring. Therefore, again some clarifications have been issued to the Circles vide this office letter of even number dated 16.03.2018 and the Circle have been requested to implement the Cadre Restructuring Orders at the earliest. Thus, the Directorate and Postal Circle are making all efforts to have the Cadre Restructuring implemented at the earliest without causing administrative inconvenience to the extent possible.</i></p> |
| 2. | <p><i>Request to expedite the postmaster Cadre restructure "in the light of the same" with Group C cadre restructure as per the bilateral agreement.</i></p> | <p><i>A separate supervisory cadre of Postmasters was created/introduced, vide this office letters No.13-2/2010-PE-I dated 03.02.2010 and 25.11.2010, by carving out 30% posts from the existing General Line Cadres Posts of LSG, HSG-II, HSG-I and Postal Services Group-B of Postal Wing and designating them as Sr. Postmaster (116 posts), Postmaster Grade-III (495 posts), Postmaster Grade-II (511 posts) and Postmaster Grade-I (2097 posts).</i></p> <p><i>The Cadre Restructuring Committee, which was constituted on 05.08.2011 (modified on 04.09.2013 and 23.10.2013) to examine the proposal of Cadre Restructuring of Group 'C' employees of Department of Posts, in para 3(f) of its report had recommended that "In respect of Postmaster Grade I, Grade II and Grade III posts, once the recommendations of this Committee are implemented; the matter will be examined in the light of the same."</i></p> <p><i>The Cadre Restructuring of Group</i></p> |

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| | | <p><i>'C' employees of Department of Posts (Postal Operative Side) does not include the posts of Postmaster Cadre. Further, no change has been made in the number of posts in the Circle while implementing the Cadre Restructuring; the number of posts before and after the Cadre Restructuring is same. Only some posts have been upgraded/downgraded in the different grades to set right the structural pyramid and increase the promotional avenues. The Grade Pays/Pay Scales of Postal Assistant, LSG, HSG-I and HSG-II have also not been upgraded except that one new Grade of HSG-I (NFG) has been created for the senior most HSG-I officials (limited to 235 post) who have completed 2 years of service.</i></p> <p><i>The Postmaster Cadre officials work in the supervisory capacity and the number of posts of Postmaster Cadre are fixed and already identified and can't be occupied by the General Line Officials as it is a separate cadre.</i></p> <p><i>Further, this is to mention that the Cadre restructuring process of Postmaster Cadre has already been initiated and all the Circles have been requested, vide this office letter no.25-40/2017-PE-I dated 31.01.2018, to furnish the required data/information. While framing the final proposal for submission to the Department of Expenditure, Ministry of Finance, for concurrence, all aspects will be taken care of and the views of Postmasters Cadre Associations would be taken into consideration.</i></p> |
| 3. | On the outset of amended LSG recruitment rules 2011 | Central Pay Commission is the apex body to examine the pay scales of Government employees. |

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| | dated 02.02.2011, requesting amendment in the Postmaster Cadre recruitment rules also by upgrading one stepped up level grade pay to Postmaster Grade I/II/III/Sr.PM posts to Rs.4200/4600/4800/5400 w.e.f. 02.02.2011. | The matter has already been examined by the 7 th CPC and placed no recommendation of higher pay to Postal Assistants, LSG, HSG-II, HSG-I, Postmaster Grade-I, II & III by the Commission. |
| 4. | Requesting immediate stoppage of <u>"hierarchy clause"</u> – Negative Interpretation of Postmaster Cadre recruitment rules 2010 mentioned to the LSG officials while switch over to Postmaster cadre. | <p>A separate cadre of Postmaster cadre was created/introduced vide Estt. Division letter no.13-2/2010-PE-I dated 03.02.2010 by craving out from the exiting General line posts of LSG, HSG-II, HSG-I and PS Group 'B' of Postal Wing and designating them as Postmaster Grade-I, Grade-II, Grade-III and Sr. Postmaster separately. As per this office letter no.4-17/2008-SPB-II dated 22.11.2010, 'in the event of their appointment in the Postmaster Cadre, their further career progression will be in the hierarchy in the Postmaster cadre only as per the provision in the relevant recruitment rules and not in the General line". As such, career progression of Postmaster Cadre official is restricted in the hierarchy of Postmaster Cadre only. However, a proposal is under consideration to include the cadre of Postmaster Grade-I and Grade-II for the promotion to Inspector Post by LDCE.</p> <p>As regards allowing Postmaster Grade official in LDCE for PS Group 'B', the amendments in Recruitment Rules (RR) of Postal Group 'B' cadre is under examination. On the basis of the recommendations of the Committee, Postmaster Grade 'I'</p> |

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| | | <i>officials have already been proposed to appear under LDCE quota. The amendment for the same in RR is at advance stage.</i> |
| 5. | <i>Inordinate prolonged delay in finalizing the PS Group B draft recruitment rules and prejudice further proposed amendments against to the existing PS Group B RR norms and feeder cadre concepts.</i> | <i>The amendment in the Recruitment Rules of Postal Service Group 'B' cadre is under active consideration. The representations/comments received on the proposed amendment have already been considered by the duly constituted Committee in this Directorate and the proposal of draft amendment is now to be presented/submitted before the UPSC.</i> |
| 6. | <i>Inordinate delay in finalizing the All India Postmaster Grade 3 draft seniority even after the lapses of 10 months.</i> | <i>Draft seniority list of Postmaster Grade-III (as on 31.12.2016) was hosted on the website of India Posts vide letter No.13-3/2015-SPB-II dated 07.03.2018 for comments from all stakeholder by 09.04.2018 for comments from all stakeholder by 09.04.2018. Thereafter, about 40-50 representations from Associations/Unions/Circles/Individuals have been received. Many of the representations are about the criteria adopted by the Directorate in deciding the seniority list of Postmaster Grade-III. Since the matter is related to the seniority of the officials, each and every representation requires threadbare examination in consultation with the concerned Circle. SPN Division is making rigorous efforts to finalise the list at the earliest.</i> |
| 7. | <i>Request to amend the Senior Postmaster (Group B gazetted) posts recruitment rules 2010 early without further delay as per the 7th CPC recommendations.</i> | <i>The requests/submissions has been noted for further action into the matter. The matter is being taken up with PCC Branch of this Department in respect of submissions made by the applicant association regarding recommendations of the 7th CPC and further process will be initiated</i> |

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| | | <i>in due course of time after obtaining the inputs of the PCC Branch.</i> |
| 8. | <i>Non conduction of centralized category Postmaster Grade I examination for the past prolonged 3 years.</i> | <i>The PM Grade-I examination is likely to be conducted during the current year 2018. Calendar of Departmental Examination is being issued very shortly.</i> |
| 9. | <i>Non filling up of Senior Postmaster (Group B gazetted posts) by linking with non-finalization of PS Group B recruitment rules amendment.</i> | <i>The post of Sr. Postmaster was not filled up earlier due to various reasons, viz. court case pending in DE Branch at that time, pending amendment in Recruitment Rules of PS Group 'B' cadre for giving effect to the carved out post of Sr. Postmaster from existing RR of PS Group 'B' cadre, non-finalization of seniority list of feeder cadre Postmaster Grade-I. Now, the matter regarding feasibility for filling up of Sr. Postmaster cadre by taking into consideration all the aspects is already under consideration in this Directorate. The amendment of RRs of Postal Service Group 'B' cadre is also in advance stage.</i> |
| 10. | <i>Requesting uniform Postmaster Grade II/III promotions under one time relaxation orders and immediate completion report from all the Postal Circles without further delay.</i> | <i>The matter has already come to notice of the Directorate through another Association (OA No.60/1434/2017). IN pursuance of direction of Hon'ble CAT, the issue is under examination and a report has been called for from all Circles.</i> |
| 11. | <i>Requesting periodical formal meeting with the Secretary Posts at Postal Directorate once in 6 months with this recognized service association – All India Association of Postal Supervisors (GL).</i> | <i>Agenda for the meeting may be sent. In the meeting, matters of All India and general nature may be taken up through All India Service Association and Circle level issues may be resolved at the Circle level.</i> |

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| 12. | <i>Request to instruct all the postal circles to treat all the Postmaster Grade I/II/III office as separate unit offices on functional basis as per the directorate clarifications.</i> | <i>The letter no.137-34/2012-SPB-II dated 12.04.2012 quoted by the Association was issued in response to one of the RTI applications. As such, this is not a general order/open for all. However, the matter is being examined in consultation with Postal Circles.</i> |
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2. The only objection which seems to be raised seems to be in paragraph 12 of the said order which indicate that the order of the Madras Bench may be an order *in personam* and not *in rem*.

3. Because it involves an issue of principle and principle had been set forth by the Madras Bench, it is equally binding on everybody and it will never be an order *in personam*; it will be an order *in rem* only. Therefore this OA also stands disposed. The respondents may examine the similarity of the persons before the Madras Bench and the persons before this Tribunal and if they are similar extend the same benefits to them also in accordance with the earlier OA.

4. The OA is disposed off as above. No order as to costs.

(DINESH SHARMA)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

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Annexures referred to by the applicant in OA No. 170/00983/2016

Annexure A1 Copy of the letter dated 22.11.2010

Annexure A2 Copy of the recruitment rules 2010 for Senior Post Master and Post Masters Group I,II and III

Annexure A3 Copy of the Memo dated 28.12.2011

Annexure A4 Copy of the letter dated 25.11.2010

Annexure A5 Copy of the 1987 Recruitment Rules and amended rules 1994

Annexure A6 Copy of the minutes of meeting held on 12.02.2015

Annexure A7 Copy of the impugned notification dated 07.10.2016

Annexure A8 Copy of the resolution dated 08.10.2016

Annexure A9 Copy of the letter No. 25-04/2012-PE-I

Annexures with MA

Annexure A10: Copy of letter dated 02.05.2017

Annexures with reply statement

Annexure R1: Copy of the Gazette Notification amending the Recruitment Rules, 1987

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