

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 260/00676 OF 2015
Cuttack, this the 22nd day of June, 2017

CORAM
HON'BLE MR. R. C. MISRA, MEMBER (A)

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Chandrakanta Mishra,
aged about 59 years,
S/o Late Kanduri Mishra,
At/PO - Chatra Chakada,
Via-Derabish, Dist-Kendrapara,
at present working as
Gramin Dak Sevak Mail Carrier,
Chatra Chakada Branch Office.

...Applicant

(By the Advocate-Mr. T. Rath)

-VERSUS-

Union of India Represented through

1. Secretary-cum-D.G.(Posts), Dak Bhawan, New Delhi-110001.
2. Chief Postmaster General, Odisha Circle, At/PO-Bhubaneswar GPO-751001, Dist-Khurda.
3. Superintendent of Post Offices, Cuttack North Division, At/PO/Dist-Cuttack-753001.
4. Director of Accounts (Postal), At-Mahanadi Vihar, PO-Cuttack-753004, Dist-Cuttack.

...Respondents

(By the Advocate - Mr. G. R. Verma)

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O R D E R

R. C. MISRA, MEMBER (A):

The applicant, in the present case, is a GDS employee of the Department of Posts and is working as GDS MC, Chatra Chakada Branch Office in account with Derabish S.O. under Kendrapada H.O. since 18.06.1973. He has approached the

Tribunal ventilating his grievance pertaining to the fixation of his TRCA.

2. The short facts of the case are that Postmaster, Kendrapada H.O. replaced the TRCA of the applicant in the revised TRCA slab of Rs. 3635-65-5585/- and disbursed 40% of the arrears by 31.10.2009. Thereafter, the Superintendent of Post Offices, Cuttack North Division, who is Respondent No.3 in this O.A., reduced the TRCA on the basis of some allegedly wrong calculation and directed for recovery of the excess amount paid to the applicant. The applicant approached the Tribunal by filing O.A.No. 84/2014, which was disposed of by the Tribunal by an order dated 20.02.2014 directing the Respondents to dispose of the representation filed by the applicant. The Chief Postmaster General, Orissa, i.e. Respondent No.2, disposed of the representation by passing order dated 09.04.2014 by rejecting the prayer of the applicant. The applicant, therefore, again approached the Tribunal in O.A.No. 574/2014 challenging the order of the authorities. This O.A. was disposed of by order dated 10.03.2015 in which the Tribunal gave detailed consideration to rival contentions of the parties and passed the following orders:

“9. In view of the above discussions, the matter is remitted back to the respondent No.2 i.e. the Chief Post Master General, Odisha to re-consider the specific grievance of the applicant in the matter of calculation of work-load which happens to be the

basic issue of this O.A in the light of what has been observed in this order. This re-consideration should be made after a personal verification of the official records and after affording the applicant an opportunity of personal hearing. Thereafter, respondent No.2 shall take an appropriate decision and pass a reasoned and speaking order communicating the same to the applicant within 90 days from the date of receipt of a copy of this order. In the circumstance, order dated 9th April, 2014(Annex. A/10) is set aside.”

Thereafter, the applicant challenged the order of the Tribunal by filing writ petition No. 9468/2015 in the Hon’ble High Court of Orissa. The Hon’ble High Court rejected the writ petition by passing the order dated 10.07.2015 making the following observations:

“3. If only the impugned order were immediately communicated to the opposite parties, it would have by now certainly resulted into final outcome and the petitioner would have been entitled to his legal remedies, if he continues to be dissatisfied with the decision of the authorities. Instead, in the same argumentative vein, the matter has been agitated and re-agitated on flimsy and technical grounds which might have delayed the outcome of the correct calculation of the working hours of the petitioner after affording to him an adequate opportunity of hearing. It leads to the inference that, after the technical plea of lack of hearing, what the petitioner sought was an outright order in his favour and he in fact did not want a correct calculation of the work-load.

Under such circumstances, the petition is found to be not bona fide for exercise of extraordinary jurisdiction of this court under Articles 226 of 227 of the Constitution. The impugned order is fair, just and legal in the facts and circumstances of the case and it requires no interference of this Court.

Therefore, the writ petition is summarily dismissed with no order as to cost.

3. Since the orders of the Tribunal were confirmed by the Hon'ble High Court of Orissa, in obedience to the orders of the Tribunal, the Respondent No.2 reconsidered the matter after giving personal hearing to the applicant and passed the order dated 27.08.2015, which is now the subject of challenge in this round of litigation before the Tribunal. The applicant has challenged the order of the authorities on the ground that the Respondents are still not calculating the hours of work and the TRCA according to the actual work being done by the applicant. Further, although the CPMG gave a personal hearing to the applicant, he has not considered his submissions in the proper perspective.

4. The Respondents have filed a counter affidavit highlighting the facts of the matter. The main submission made by the Respondents is that the CPMG, Orissa, has passed the order dated 27.08.2015 in strict compliance to the orders of the Tribunal after personal verification of records and hearing the applicant personally. Therefore, the impugned order does not suffer from any illegality or deficiency.

5. In the rejoinder, the applicant has again asserted that the CPMG, Orissa, has not decided the matter as per the rules.

6. Having perused the records in this case, I have heard the Ld. Counsels appearing for both the sides in detail.

7. This is the third round of litigation made by the applicant with regard to his claim of TRCA. As per the direction passed by the Tribunal, the Chief Postmaster General, Orissa, has given a personal hearing to the applicant before passing his order dated 27.08.2015. It is mentioned in the impugned order that in course of personal hearing all the relevant records of workload and TRCA calculation were verified. The distance between the Chatra Chakada Branch Office and the Accounts Office, i.e. Derabish S.O., is 4 Kms and only one BO bag is conveyed from Branch Office to the Accounts Office and from Accounts Office to the Branch Office by the GDS MC. The CPMG has further recorded in the speaking order that the applicant in course of the personal hearing has confirmed this fact by making a deposition dated 20.08.2015 before him.

8. The Ld. Counsel for the applicant has argued that the applicant was intimidated by the presence of the CPMG and other senior officers and since he is not so much educated he was almost forced to agree with the proposition made by the senior officials. This submission does not appear to be valid one. There is no reason as to why the applicant will be so much afraid and

intimidated when he has been pursuing his grievance repeatedly in the Court of Law. The Tribunal had directed the highest administrative authority in the Orissa circle to dispose of the matter by giving personal hearing to the applicant and also personally perusing the records of workload and the TRCA etc. The CPMG has duly complied with the orders of the Tribunal which were also confirmed by the Hon'ble High Court of Orissa when the same were challenged by the applicant. The Departmental-Respondents are the best authorities to calculate the workload as well as the corresponding TRCA for a GDS employee. In the present case, the grievance of the applicant has engaged the personal attention of the highest administrative authority under the orders of the Tribunal. It is not possible to believe that the applicant was threatened in any manner during the personal hearing and, therefore, his case was not properly considered. There is no doubt that the Tribunal can interfere if there is a miscarriage of justice but on the facts and circumstances before us, we cannot reach on that conclusion. There are no important grounds of fact or law which can justify any further intervention by the Tribunal in respect of this matter.

9. Based upon the discussions made above, I find this

application to be devoid of merit and, thus, the O.A. is, accordingly, dismissed with no order as to costs.

(R.C.MISRA)
Member (Admn.)

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