

**Central Administrative Tribunal
Lucknow Bench, Lucknow**

Original Application No. 332/00366/2013

Order reserved on: 29.11.2018

Pronounced on: 03.12.2018

The Hon'ble Mr. Devendra Chaudhry, Member (Administrative)

Ram Tirath Misra aged about 54 years son of Sri Ram Ajore Mishra resident of house No. T-21 P & T Colony, Mahanagar, Lucknow presently serving as Post man GPO Lucknow.

.....Applicant

By Advocate : Sri Dharmendra Awasthi.

Vs.

1. Union of India through its Secretary Ministry of Post and telegraphs, New Delhi.
2. Chief Post Master General Uttar Pradesh Lucknow Region.
3. AS. S.R.M. G.P.O. Lucknow.

.....Respondents

By Advocate: Sri Alok Trivedi.

ORDER

Delivered by: Hon'ble Mr. Devendra Chaudhry, Member (A)

The present Original Application (OA) has been filed with the prayer to direct the Respondents to issue an appropriate order to ensure payment at the rate of Rs. 0.50 w.r.t. each article delivered vide Speed Post as provision in the concerned rules as this is part of an incentive allowance permissible to the Applicant and yet not being paid by the Respondents.

2. The case of the Applicant in brief is that he is working as a Postman and presently posted at G.P.O., Lucknow. That he was first appointed in 1982 and was first posted as E.P.O.D. Postman. In due course of time, his services were permanently confirmed in Group-D. Presently, he has an unblemished record of service since 1982. That, injustice is being done to him as, inspite of the provisions contained in the allowance guidelines, he is not being paid the incentive of Rs.0.50 per article delivered to an address where several articles (i.e. more than one) are delivered to the same address at the same time. That, he has made several representations in 2012 and 2013 but the same have not been disposed by the Respondents and since he is unable to get justice from the Respondents, hence the present O.A.

3. As against this, in the Counter Reply filed by the Respondents, the Chief Postmaster General-Respondent No. 2 has prayed that it is admitted that the Applicant is working as Postman in the Speed Post Branch at G.P.O., Lucknow which has 26 beats. That in order to enable efficient delivery of Speed Post articles, an incentive of Rs. 0.50 per Article has been permitted vide Directorate letter No. 43-17/90-D dated 03.05.91/43-17/89-D dated 19.06.91. That, as per provision w.r.t. bulk addressee, where delivery of Speed Post Article is made at a common single address, all the articles invoiced are in one delivery and are treated as One Speed Post Article for the purpose of payment of incentive as the Postman has to go just once only to the concerned address to deliver the bulk of articles to that single one Addressee. That there is no malafide in not giving admissible incentive to the Applicant and the same are being given as per circular No. 43-17/89-D dated 19.06.1991 and other related circulars. That, as regard the redressal of the grievances vide the representation of the Applicant, the same have not been received in the office and hence perhaps not been dealt with. That the incentives are being given to the applicant as per extant guidelines and circulars and hence the case of the Applicant as prayed is beyond rules and hence the OA lacks merit and should be dismissed.

4. I have heard Ld. Counsel for both the parties at length and perused the material on records including the RA, Supplementary CA etc. filed by the Parties.

5. The key issue is, as to what is permissible as per guidelines w.r.t. delivery of Speed Post Articles by the Applicant or for that matter any other employee posted in his place? For this purpose, Ld. Counsel for the Respondents sought attention of the Tribunal to the Annexure SA-1, circular DG (P) No. 43-17/89-D dated 19.06.1991 in which in Para-7, the provision specifies that for delivery of Speed Post Article being more than one number to an addressee will be treated as one Speed Post Article. It is useful at this juncture to reproduce the entire circular and especially relevant para-7. The same is reproduced herein below:

“.....[DG(P) No. 43-17/89-D dated 19.06.1991]

Payment of Incentive to the operative staff for speed post operations

- 1. Incentive of Rs. 0.50 is payable for each Speed Post article booked where no separate booking counter is provided for Speed Post work. (Directorate No. 43-17/90-D dated 16.11.1990).*
- 2. Incentive of Rs. 0.75 per article booked over and above the threshold specified for the staff, where separate post has been sanctioned for Speed Post Work. (Directorate No. 43-17/90-D dated 16.11.1990). For determining threshold, the traffic figure of 15% of the average daily figure will be added with average daily traffic figure calculated with reference to monthly averages of the whole previous calendar year. (Pare No. 3 of Directorate No. 43-17/90-D dated 24.12.1990).*
- 3. In case of articles booked under special journal, maximum limit of incentive payable is Rs. 5/- per customer. (Directorate No. 43-17/90-D dated 24.12.1990).*
- 4. Incentive for pick up of Speed Post articles from the premises of customer is Rs. 0.50 per article subject to a maximum amount of Rs. 5/- per customer's premises. ((Directorate No. 43-17/90-D dated 24.12.1990).*

- 5. Incentive of Rs. 0.50 is payable for each Speed Post article delivered by the Postman in addition to his other normal duties. (Directorate No. 43-17/90-D dated 16.11.1990).
- 6. For stations, Where separate posts have been sanctioned for delivery of Speed Post articles, incentive at the rate of 50 paise per article is payable provided the number of articles returned undelivered due to the reasons other than those of customer premises closed or refused by the addressee is Nil. (Directorate No. 43-17/90-D dated 24.12.1990). In case the return is more than 2%, no incentive is payable. For return upto 2% incentive at the rate of 50 paise per article can also be paid after test check of some of the cases to confirm if the reason for non delivery given by the Postman was correct. (Directorate No. 43-17/90-D dated 3.05.1991).
- 7. In case of bulk addresses, where delivery of speed post articles is made with special delivery list as for Regd. Articles, all the articles invoiced in one special delivery list should be treated as one speed post article for payment of incentive (Circle level decision).
- 8. No incentive is admissible to other staff employed in sorting and dispatch of speed post articles/bags. ((Directorate No. 43-17/89-D dated 19.06.1991).
- 9. Incentive under speed post is admissible at all articles booked under National speed post work, State Speed Post, network and all speed post Money orders paid. (Directorate No. 43-17/88-D dated 25.04.1991)

Clarification on Speed Post Incentive Scheme

Clarifications have been sought from a few Circles from time to time on various aspects of Speed Post Incentive Scheme. The issues have been examined and clarifications along with issues are give below.

Sl. No.	Issue	Clarification
1.	Whether payment of incentive to the pickup staff has any bearing upon some threshold i.e. whether incentive to pickup staff may be given for articles beyond certain threshold as in case of booking or irrespective of threshold (West Bengal Circle)	There is no threshold fixed for pick up as fixed in case of booking of Speed Post articles at the stations where Speed Post booking is managed by exclusive staff. However a limit of 5/- per customer exists for pick up. Further pick up facility is subject to condition of minimum three articles per customer at a time as per BD Dte. Letter No. 43-36/90-D dated 01.10.1990
2.	As date entry of BNPL articles is to be one in National SPCs/State SPCs for speed net whether incentive can be considered for the staff who attend the date entry of BNPL articles (Kerala Circle)	There is no provision of incentive payable for data entry of BNPL articles in speed net as at the time of inception of the scheme this activity was not exiting and even at the time of introduction of speed net no such provision was made.
3.	Whether incentive can be considered for data entry of any type of articles (Kerala Circle)	There is no provision of incentive for data entry of Speed Post articles.
4.	Whether incentive scheme will continue for various Speed Post work after introduction of Adhoc norms issued vide Dte. Letter no. 9-2/91-WS-1 dated 01.01.2003 (Uttaranchal Circle)	Incentive scheme was introduced with the aim of increasing productivity, ensuing quality of service and increasing quality of service and increasing traffic significantly. There is no connection at present 'between incentive' and establishment norms.

2. These clarification may be brought to notice of all concerned for strict adherence in future..”

The above circular makes it abundantly clear as to what incentive is to be provided to any Postman for delivery Speed Post Articles. The para-7 of the regulation dated 19.06.1991 above is abundantly clear that in the case of bulk address, where delivery of Speed Post Article is made, all article involved in the delivered list would be treated as one speed post article for payment of incentive [emphasis added]. The Applicant is aware of this and there has been no change thereupon in this provision. Therefore, it is very difficult to accept the plea of the Applicant that incentive be paid to him is in violation of said provision. This is an administrative matter and Tribunal cannot go into the merits and demerits of what incentive should be paid for what work as long as specified incentive as per guideline is given to the concerned official. It stands to reason that when the Postman is going to only ONE address and delivers more than one packet, he is not doing any additional travel or additional difficult task for which he should be paid separately and uniquely for each article delivered to one single address at one time /same time only. The prayer of the Applicant thus fails being quite unreasonable and an underhand effort is seemingly being as made to get more incentive without truly performing additional task. It seems to be a case of trying to get some easy money without proportionate effort. It has also to be seen that Respondent- the Government as employer has to be efficient and economical in delivery of Public Services like the Postal services (in contention here), it is answerable to the tax payer for the expenditure in providing economical services to the citizen-tax payer.

6. In conclusion therefore, I do not find any reason to support the case of the Applicant w.r.t. grant of incentive per article of Rs. 0.50 paise wherever articles are delivered in bulk on the same address, i.e. bulk address. In the event therefore, the OA fails and is accordingly dismissed. No costs.

(Devendra Chaudhry)
Member (Administrative)

/JN/