

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA050/00685 of 2015**

Order Reserved on: 28/08/2018
Date of order: 24/09/2018

CORAM

HON'BLE MR. JAYESH V. BHAIRAVIA, MEMBER (J)

Rameshwar Sharma, s/o Late Brahamadeo Sharma, R/O Village & P.O. Singhari, P.S.- Goh, District-Aurangabad.

..... Applicant.

By advocate: Sri J.K. Karn.

Verses

1. The Union of India through the Chief Postmaster General, Bihar Circle, Patna.
2. The Director of Postal Services (Hq), O/o the Chief Postmaster General, Bihar Circle, Patna.
3. The Superintendent of Post Office, Aurangabad Division, Aurangabad.

..... Respondents.

By advocate: Sri Radhika Raman.

ORDER

Per Jayesh V Bhairavia /M (J):- In the present OA, the applicant is seeking for the following reliefs:-

“8. A. The respondent authorities may be directed to pay the applicant his salary/TRCA at the rate of 8 hours per day w.e.f. 25.10.2011 up to his retirement on 31.08.2014, for rendering the work of the post of GDSMC in addition to his own work of GDSBPM at Singhri Branch Post Office in account with Goh sub Post Office, in Aurangabad Postal Division.

B. The admissible interest upon the arrears of salary/TRCA may be directed to be released and paid to applicant.

C. Any other relief/reliefs as the applicant is entitled and Your Lordships may deem fit and proper in the ends of justice.”

2. The case of the applicant in brief is as follows:-

(i) The applicant was working as GDS BPM at Singhri Branch Post Office in account with Goh Sub Post Office in Aurangabad Postal Division. The employee who was working as GDSMC in the Goh Sub Post Office Division died on 18.11.2011. It is contended on verbal direction by the Sub Post Master of Goh Sub Post Office as well as by the Inspector of Post Offices, the applicant was asked to work against the post of GDSMC also in addition to his own work as GDSBPM, Singhri Branch Post Office. It is submitted that the post of GDSBPM is a stationary post whereas the GDSMC has to carry and exchange mails from the Goh Sub Post Office. The said Post Office is situated at quite far distance from Singhri Branch Post Office. However, the applicant started working at both the Post Office and managed the work of said post offices.

(ii) It is the case of the applicant that though he had worked for additional hours but he was not paid any extra remuneration for the said additional work. It is further submitted that the applicant has rendered more than 8 hours job per day while performing his duties against two posts. His working hours was enhanced to more than 8 hours per day but at the same time his payment of TRCA was not enhanced accordingly. Despite rendering more than 8 hours duties since 25.10.2011 up to his retirement on 31.08.2014, he has been given and paid his earlier salary/TRCA for only 3.5 hours.

Therefore, he is entitled to receive additional allowance for extra hours of work.

(iii) The applicant submitted several representations before the respondent authorities and requested for payment of 8 hours salary, ((Annexure-A/1 series). However, the respondents have not considered it. Subsequently, the applicant retired while working at both the Post Offices.

Thereafter also the applicant had submitted his application before the office of the respondents to settle his claim. He had also approached the Dak Adalat for redressal of his grievance also but vide letter dated 11.12.2014, he was informed that his case does not fall under the jurisdiction of Dak Adalat and the application/case was referred to concerned Section of Department, (Annexure-A/2). The applicant again submitted his representation, dated 17.01.2015, before the Chief Postmaster General, Bihar Circle, Patna, which is still pending, (Annexure-A/3). Being aggrieved, the applicant has filed the instant OA.

3. The respondents have filed their W.S. whereby they have denied the claim of the applicant and submitted that in fact there is no verbal order or written order issued for the engagement of applicant for additional work at Goh Sub Post Office. Therefore, in absence of any order issued by the competent authority in this regard the applicant is not entitled for any extra remuneration as claimed.

4. Heard the parties and perused the record.
5. In the present case, it reveals that as such there is no material on record which can be said to be an order or permission from the competent authority issued in favour of the applicant for the purpose of his engagement at both the Post Offices. The applicant has submitted his representation dated 05.12.2014 wherein he had stated that he was supposed to deposit Rs. 16,005/- in the Post Office towards due collection/balance of the said Post Office which subsequently he had deposited and thereafter it is further stated that his claim for additional work required to be considered.
6. It is also seen that as per the applicant he had started the additional work w.e.f. 25.10.2011 and continued till his retirement on 31.08.2014. Except the representation no material whatsoever has been placed on record to substantiate his claim that he had worked for extra hours. The respondents have categorically stated in their written statement that no oral or written permission were issued to the applicant for working additional hours. The said contention has not been controverted by the applicant by producing any material on record. Considering the above stated factual matrix of the case, the applicant failed to substantiate his claim sought in this OA.
7. In view of the above, the OA is dismissed. No order as to costs.

[Jayesh V. Bhairavia]M(J)
Mks/Srk