

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

OA No. 636 of 2017

**Present: Hon'ble Mr. Gokul Chandra Pati, Member (A)
Hon'ble Mr. Swarup Kumar Mishra, Member (J)**

Srikanta Rout, aged about 48 yers, S/o Shyamsundar Rout, resident of Vill – Sugo, PO – Gopaljew Sugo, Via – Ertal, PS – Basudevapur, Dist. – Bhadrak, Odisha – 756124, presently working as BNDSMD cum MC cum Packer, Ertal SO, Bhadrak – 756124.

.....Applicant

VERSUS

1. Union of India, represented through its Secretary of Posts, Dak Bhawan, Sansad Marg, New Dehi – 110116.
2. Chief Post Master General, Odisha Circle, At/PO – Bhubaneswar, Dist. – Khurda, Odisha – 751001.
3. The Superintendent of Post Offices, Bhadrak Division, Bhadrak – 756100.
4. The Assistant Superintendent of Post Offices, I/C, Bhadrak Central Sub Division, Bhadrak – 756100.

.....Respondents.

For the applicant : Mr.C.P.Sahani, counsel

For the respondents: Mr.A.K.Mohapatra, counsel

Heard & reserved on : 14.3.2019

Order on : 28.3.2019

O R D E R

Per Mr.Gokul Chandra Pati, Member (A)

The OA has been filed with the prayer for the following reliefs under section 19 of the Administrative Tribunals Act, 1985:-

- “(i) Admit the Original Application, and
- (ii) After hearing the counsels for the parties be further pleased to direct the departmental respondents to give the Combined Duty Allowance to the applicant w.e.f. 19.2.2012 at the admissible rates with interest;
- (iii) Pass any other order(s) as the Hon'ble Tribunal deem just and proper in the interest of justice considering the facts and circumstances of the case and allow this OA with costs.”

2. The case of the applicant, who is working as a Gramin Dak Sevak (in short GDS) Mail Deliverer (in short MD), is that since he is working as GDS Packer-cum-GDSMC in addition to his original work as GDSMD, he is entitled for the combined duty allowance (in short CDA) as per the rules. Initially, the applicant was appointed to work as GDSMD Ertal SO vide order dated

3.2.2009 (Annexure-A/2). When the post of GDS Packer-cum-GDSMC post of the same post office became vacant due to retirement w.e.f. 19.2.2012, the applicant was asked to remain in charge of the post of GDS Packer-cum-GDSMC and he is continuing as such since 19.2.2012. It is stated that although he is doing the additional work, but he is not being paid the CDA as per the extant rules. A representation dated 11.9.2017 (Annexure-A/3) submitted by the applicant is pending. It is submitted by the applicant in the OA that he is entitled for the CDA as per the circular dated 9.10.2009 (Annexure-A/4).

3. The respondents filed the Counter without disputing the basic facts, but denying the averment in the OA that the applicant is eligible for the CDA as per the circular dated 9.10.2009 (Annexure-A/4). It is stated that as per the circular at A/4, a GDSMD/MC attached with additional duty of another post, the revised rate of CDA will be at the rate of Rs.25/- per day subject to a maximum of Rs.625/- per month. Then a clarification dated 15.7.2010 (Annexure-R/1), the CDA will be admissible for the GDSMD/MC who perform the work of the EDBPM at the rate of Rs.25/- per day subject to a maximum of Rs.625/- per month. It is also stated in the Counter that since the applicant is not discharging the duty as EDBPM he is not entitled for the CDA as claimed by him in the OA.

4. The applicant has filed the Rejoinder stating that he is discharging additional duty w.e.f. 19.2.2012 without being paid any additional amount for the same. It is stated that the letter at Annexure-R/1 has been misunderstood by the respondents since it does not mention anywhere that a GDSMD/MC attached with additional duty will not be entitled for the CDA. It states that the GDSMD/MC remaining in additional charge of EDBPM will be entitled for the CDA. It is further stated that the letter at Annexure-R/1 (para 2) refers to the circular dated 9.10.2009 (A/4). It is also stated that the letter at Annexure-R/1 has clarified that a GDS in additional charge will not get double allowance.

5. We have heard the counsels for both the sides. The issue to be decided is whether the circular dated 9.10.2009 (A/4) or the circular dated 15.7.2010

(R/1) will be applicable for this OA. The case of the applicant is that he is entitled for the CDA as per the Annexure-II of the circular dated 9.10.2009 (Annexure-A/4, where as the respondents' case is that the applicant is not entitled for the CDA as per the circular dated 15.7.2010 (Annexure-R/1).

6. Perusal of the portion of the Annexure-II of the circular dated 9.10.2009 relevant for the present OA states as under:-

Nature of allowance	Existing Allowance	Revised Allowances
Allowances for combination of duties for Mail Delivery/Mail Conveyance.	Rs.75 per month for GDS Mail Deliverer/Mail Carrier for performing additional duty.	GDS MD/MC attached with the additional duty of another post, revised rate of Allowance will be at the rate of Rs.25 per day subject to a Maximum of Rs.625 p.m.

The letter/circular dated 15.7.2010 at Annexure-R/1 states as under:-

"Sub: Combined Duty Allowance to Gramin Dak Sevaks employees who perform the duties of Gramin Dak Sevaks Branch Postmasters in addition to their own duties.

Sir,

I am directed to refer to your letter no.Estt/M-377/34/GDS/Corr./2009/1 dated 24-06-2010, on the above mentioned subject.

2.The issue has been examined. DG Posts letter no.14-11/1988-PAP dated 16-07-1990 provided for payment of Rs.50 as combined duty allowance to GDS MD/MC who perform the work of EDBPM in addition to their normal charge of duties. It was also clarified that, GDS Mail Deliverer/Mail Carrier are not eligible for this Combined Duty Allowance if they perform duties other than that of GDS BPMs

3.As per the recommendations of One—man Committee and approved by the government, the GDS MD/MC attached with the addition duty of another Gramin Dak Sevak, revised rate of allowance will be at the rate of Rs.25 per day subject to a maximum of Rs.625 per month. Accordingly, the Mail Deliverer/Mail Carrier entrusted with the duties of BPMs in addition to their own work, are eligible for this additional remuneration as compensation. However, they will not be eligible for any Combined Duty Allowance which is now paid to Branch Postmasters towards delivery and conveyance work

To cite an illustration, if a Branch Post Office has one BPM and one GDS MD/MC on its establishment. In the event of GDS MD/MC performing the duties of Branch Postmasters in addition to his own, he will be eligible for a compensation of Rs.25 per day subject to a maximum of Rs.625 per month in addition to his normal Time Related Continuity Allowance. However, he will not be eligible for further Combined Duty Allowance paid to Branch Postmasters."

7. From the preceding paragraph it is clear that the letter at Annexure-R/1 is a clarification issued with the approval of the DDG (Establishment) and it is

not issued with the approval of the Government of India, where as the circular at Annexure-A/4 has the approval of the Government of India on the implementation of the recommendation of Shri R.S. Nataraja Murthi Committee on the Revision of Wage structure of the GDSs and clearly, the Annexure-A/4 is a policy document of the Government which will have an overriding effect on the circular at Annexure-R/1 which is a clarification issued with approval of the DDG(Establishment).

8. In view of the discussion above, we have no hesitation to hold that for resolution of the present controversy, the circular dated 9.10.2009 (Annexure-A/4) will be applicable. This circular at A/4 clearly stipulates that the GDS MD/MC with additional duty will be entitled for the allowance of Rs. 25 per day subject to a maximum of Rs. 625/- per month. It is not in dispute that the applicant holds the additional duty of GDS Packer-cum-GDSMC w.e.f. 19.2.2012. Therefore, the applicant will be entitled for the combined duty allowance as specified at Annexure-II to the circular dated 9.10.2009 as amended from time to time and the respondents are directed to allow the prescribed allowances to the applicant as above from 19.2.2012 till he discharges the additional duty as GDS Packer-cum-GDSMC of Ertal SO within a period of three months from the date of receipt of a copy of this order.

9. The OA is allowed in terms of the paragraph 8 above. No order as to cost.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

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