

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA/021/00825/2014

Date of CAV : 24-09-2018

Date of Order : 31-10-2018

Between :

Ch.Nageswara Rao S/o Ch.Venkataiah,  
Aged about 25 years, working as GDS/Packer/Mail Carrier,  
Gunadala S.O under Buckinghampet Head Post Office,  
Gijayawada Division, Vijayawada, Krishna District. ....Applicant

AND

1. The Union of India, rep by :  
The Director General, Posts,  
Department of Posts, Dak Bhavan,  
Sansad Marg, New Delhi-110001.
2. The Chief Postmaster General,  
A.P.Circle, Hyderabad-500 001.
3. The Postmaster General, Vijayawada Region,  
Vijayawada – 520003.
4. The Sr. Superintendent of Post Offices,  
Vijayawada Division, Vijayawada,  
District Krishna.
5. The Assistant Superintendent of Post Offices,  
Vijayawada South Sub-Division,  
Vijayawada-2, Krishna District.
6. The Postmaster,  
Head Post Office, Buckinghampet,  
Vijayawada-2, District Krishna. ...Respondents

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Counsel for the Applicant: Mrs.Rachana Kumari

Counsel for the Respondents : Mrs.K.Rajitha, Sr.CGSC

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CORAM :

THE HON'BLE MR.SWARUP KUMAR MISHRA, JUDICIAL MEMBER

(Order per Hon'ble Mr.Swarup Kumar Mishra, Judicial Member)

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This application is filed under section 19 of the A.T.Act, 1985, for the following reliefs :

- (a) To all for the records pertaining to the impugned order No.A1/41 dated 22.04.2014 reducing the Time Related Continuity Allowance (TRCA) from 3635-65-5585 to that of a lower scale toRs.2295-45-3635-45-3635 with retrospective effect from 01.04.2014 on untenable grounds putting the applicant to monetary loss and hardship and declare the action of the 4<sup>th</sup> Respondent in reducing the existing pay scale of the applicant declaring the same as arbitrary, illegal, unwarranted, misconceived and in violation of Articles 14 and 16 of the Constitution of India ;
- (b) To set aside the impugned order No.A1/41 dated 22.04.2014 of the 4<sup>th</sup> Respondent declaring the same as arbitrary, illegal, unwarranted, misconceived and in violation of Articles 14 and 16 of the Constitution of India ;
- (c) To direct the Respondents to restore the TRCA scale of pay at Rs.3635-65-5585 and continue to pay the said scale as drawn by her ;

With all the consequential benefits ;

And be pleased to pass such other order or orders as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

2. The brief facts of the case are that, the applicant was appointed as GDS/Packer/Mail Carrier, Gunadala Sub-Post Office, with effect from 05.06.2008 in the pay scale of Rs.1220-20-1600. Basing on the recommendations of the committee constituted for the purpose, the DG Posts, vide letter dated 09.10.2009 issued orders revising the scales of pay GDS officials in which the pay scale of GDS – Mail Carrier/Pdacker/mailman

was fixed pay slab at 2295-45-3695 and accordingly the applicant was placed in the pay slab of Rs.2295-45-3695 with effect from May, 2010. Basing on the service rendered and due to increase of work load, after adding the increments earned, the applicant was placed in the pay scale of Rs.3635-65-5585 with effect from 01.08.2012 on the ground of justification of work load vide Memo No.A1/41, dated 16.08.2012.

3. The applicant further submits that, the 4<sup>th</sup> Respondent, on his own motion without assigning any reasons had refixed the pay slab of the applicant reducing the pay from the scale of Rs.3635-65-5585 to the lower scale of pay of Rs.2295-45-3695 with effect from 01.04.2014 vide impugned order No.A1/41, dated 22.04.2014 on fictitious grounds. Aggrieved against the impugned order dated 22.04.2014, the applicant submitted a representation to the 4<sup>th</sup> Respondent giving details of his fixation of pay done earlier on several occasions and requested to consider his case in view of the upgradation of pay with effect from 1.7/8.2012 and to restore his pay in the scale of Rs.3635-65-5585 vide his representation dated 28.4.2014 for which there is no response. The present action of the 4<sup>th</sup> Respondent in reducing the scale of pay hither to drawn by him, is nothing but highly arbitrary, illegal, misconceived, unwarranted and in violation of Articles 14 and 16 of the Constitution of India.

4. The applicant further submits that, the pay and allowances of the applicant are paid in terms of Time Related Continuity Allowances worked out on the basis of justification of work load. In fact the justification of

work load was considered and the applicant was allowed the higher pay scale of pay from time to time as per the Revised Pay scales as recommended by the committee constituted for the purpose and as granted by the 1<sup>st</sup> Respondent. Hence this application.

5. The Respondents have filed reply statement stating that the Extra Departmental Agents system in the Department of Posts and Telegraphs is in vogue since 1854. The object underlying in it is to cater to Postal needs of the rural communities dispersed in remote areas. The system avails of the services of persons in a village who has the faculty of reasonable standard of literacy and adequate means of livelihood and who, therefore, in their leisure time can assist the Department by way of gainful avocation and social service in ministering to the rural. The system of engaging EDAs is exclusive to the Department and the Sevaks so engaged are not required to perform duty beyond a maximum period of 5 hours in a day. They are permitted to be retained upto 65 years as against 60 years for a regular Government Servant. It is mandatory for a Sevak to furnish an undertaking that he has other source of income besides the allowances paid or to be paid by the Government for adequate means of livelihood for himself and his family and thereby the existing system allows them to provide a supplementary source of income and to derive income by engaging in private business/employment. Thus, EDAs/GDSs are a distinct category in itself governed by the non-statutory rules formulated by the Government from time to time.

6. The Respondents further submit that, the Extra Departmental Agents system in the Department of Posts is governed by the Extra Departmental Agents (Conduct & Service) Rules, 1964 as amended from time to time. The said rules were subsequently amended as Gramin Dak Sevaks (Conduct & Employment) Rules, 2001 and further amended as Gramin Dak Sevaks (Conduct & Engagement) Rules, 2011. It is submitted that the Hon'ble Supreme Court in the case of UOI & Ors Vs. Kameshwar Prasad [ 1998 SCC (L&S) 447 ] considered the system and object of engaging EDAs and their status and adjudicated upon and held that P & T Extra Departmental Agents (C & S) Rules, 1964 are a complete code governing service, conduct and disciplinary proceedings against EDAs as amended from time to time.

7. The Respondents further state that, the ED Agents are being paid TRCA for the duties / work performed by them according to their workload, which is being measured on the basis of certain / specific norms fixed for the same as per rules / guidelines on the subject as amended from time to time. Thus the allowances payable to the GDSs have correlation with the quantum of workload handled by them and varied accordingly as per the reviews conducted from time to time.

8. The Respondents further state that during the course of periodical review of Gunadala Class II No Delivery Sub Post Office which was carried out in the year 2012, it is found that the work load of the GDS Packer / Mail Carrier, Gunadala PO was increased and accordingly the TRCA of the said post was fixed in the TRCA slab of Rs.3635-65-5585 for the work load of

more than 3 hours 45 minutes and upto 5 hours with effect from 01.08.2012 in view of the increase / justification of work load.

9. The Respondents further state that, the working hours of Gunadala Sub Post Office is 0830 hrs to 1630 hrs. The GDS Packer / MC, Gunadala PO has to traverse twice between Gunadala Sub Post Office and VJ Polytechnic Sub Post Office for bringing Stamps and Seals from Safe custody at VJ Polytechnic Sub Post Office at 8.25 am and Account Bag at 10.30 am within a span of two hours time. Out of the total workload of 239 minutes, maximum time of about 81 minutes is being consumed for traversing twice between Gunadala PO and VJ Polytechnic PO by the applicant on a bicycle. During the course of Vigilance Inspection by the Circle Vigilance Officer, O/o Chief Postmaster General, AP Circle, Hyderabad on O/o Sr. Superintendent of Post Offices, Vijayawada Division during June-2013, the Circle Vigilance Officer vide para No.6 of Vigilance Report dated 5.6.2013 has pointed out that the distance traversed by GDS Packer / Mail Carrier, Gunadala Sub Post Office is 10.8 Kms daily since GDS has to traverse twice between Gunadala Sub Post Office and VJ Polytechnic Sub Post Office for bringing Stamps and Seals from Safe Custody at VJ Polytechnic Sub Post Office at 8.25 am and Account bag at 10.30 am ie within a span of two hours time and pointed out that GDS Packer can conveniently bring the Account Bag and Stamps & Seals from the safe custody at a time at 9.00 am. Further, the Circle Vigilance Officer ordered to re-fix the allowances of GDS Packer, Gunadala Sub Post Office based on the actual justification since the GDS Packer / Mail Carrier, Gunadala Sub Post Office can conveniently bring the

Account Bag and Stamps & Seals from the safe custody at a time at 9.00 AM instead of traversing twice between Gunadala PO and VJ Polytechnic PO.

10. The Respondents further state that the working hours of Gunadala Sub Post Office was revised to 0900 hrs to 1700 hrs with effect from 08.01.2014. After revising the working hours of Gunadala Sub Post Office, the work load of the GDS Packer / Mail Carrier was re-assessed / reviewed. Accordingly the said GDS Packer / MC was placed in the justified corresponding TRCA slab of Rs.2295-45-3696 with effect from 01.04.2014 based on the review of workload of the said post vide 4<sup>th</sup> Respondent memo dated 22.04.2014. In the instant case, there is decrease in the workload of the post of GDS Packer/MC, Gunadala PO consequent on change of working hours of the said PO from 08.30 am – 16.30 pm to 09.00 am to 17.00 pm with effect from 08.01.2014 and accordingly the TRCA of the said post was re-fixed in the justified lower TRCA scale of Rs.2295-45-3695 with effect from 01.04.2014. With these submissions, the Respondents pray for dismissal of the OA.

11. We have heard Mrs. Rachna Kumari, learned counsel for the applicant and Mrs.K.Rajitha, learned Sr Central Govt., Standing Counsel for Respondents.

12. Learned counsel for the applicant, in support of his contentions, relied upon the decision of the CAT, Hyderabad Bench in OA No.1474/2012, dated 06.08.2014.

13. The Respondents have filed letter dated 5.9.2018, wherein it is stated as follows :-

“(6) it is seen from the Hon’ble CAT order dated 06.08.2014 in OA No.1474/2012 (between M. Venkata Reddy & 9 Others Vs. SPOs Wanaparthy & 3 Others) that all the Applicants therein are GDSBPMs and as such the Hon’ble Tribunal has rightly appreciated and adjudicated the orders / guidelines issued vide DOP Lr. No.5-1/07-WS-I dated 15.10.2012 stated at Para (5) above. Since the said DOP order relates to GDS BPMs only, the Hon’ble CAT order is applicable to GDSBPM posts / cases only and not at all applicable to other than GDS BPMs like the Applicant in the instant case. As the Applicant is working as GDS Packer / MC (i.e., other than GDS BPMs), the above said DOP order / ruling dated 15.10.2012 as well as Hon’ble Tribunal’s order dated 06.08.2014 in OA No.1474/2012 is not related to his post and accordingly not at all applicable to the present case.”

It is seen from the above that there is decrease in the workload of the post of GDS Packer/MC, Gunadala PO consequent on change of working hours of the said PO from 0830 am – 1630 pm to 0900 am to 1700 am with effect from 08.01.2014 and accordingly the TRCA of the said post was re-fixed in the justified lower TRCA scale of Rs.2295-45-3695 with effect from 01.04.2014. Therefore the workload and the actual work performed by the applicant and the other GDS Packer / Mail Carrier review has been made from time to time and as there has been decrease in the workload, the authorities have decided, based on actual justification of work to re-fix TRCA to the lower scale.

14. This Tribunal also finds that there is perceptible change in the duty of GDS Packer / Mail Carrier vis-a-vis the work and duty of GDS BPMs. In the circumstances, this Tribunal finds that there is no illegality in the action of the Respondents and the applicant is not entitled for any relief. Accordingly



the OA is dismissed as devoid of merits.

15. In the circumstances of the case, there shall be no order as to costs.

(SWARUP KUMAR MISHRA)  
JUDICIAL MEMBER

Dated : 31<sup>st</sup> October, 2018.

vi