

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

**OA/310/01722/2017, OA/310/01723/2017, OA/310/01724/2017,
OA/310/01725/2017, OA/310/01726/2017, OA/310/01727/2017
& OA/310/01728/2017**

Dated Thursday the 22nd day of November Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

&

HON'BLE MR. P. MADHAVAN, Member (J)

1.K.Chinnasamy,Applicant in OA 1722/2017
2.C.Gangadharan,Applicant in OA 1723/2017
3.P.Gangadharan,Applicant in OA 1724/2017
4.S.Sathyaseelan,Applicant in OA 1725/2017
5.S.Manokaran,Applicant in OA 1726/2017
6.N.Ganesan,Applicant in OA 1727/2017
7.N.Thangavel,Applicant in OA 1728/2017

By Advocate M/s. R. Malaichamy

Vs

1.Union of India,
rep by the General Manager,
Postal Accounts & Finance,
Tamil Nadu Circle,
No. 4, Ethiraj Salai,
Chennai 600008.

2.The Superintendent of Post Offices,
Vellore Division,
Vellore 632001.

3.The Senior Postmaster,
Vellore Head Post Office,
Vellore 632001.

....Respondents in all OAs

By Advocate Mr. S. Navaneethakrishnan

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. These OAs have been filed agitating a similar cause of action of a recovery from the pay of the applicants consequent on refixation of their TRCA on account of reduction in workload based on an assessment carried out by the competent authority. The grievance of the applicants is two-fold: one, that the applicants had not been noticed before the alleged reassessment of the work load as a result of which the reassessment appears to have taken place behind their back and they have not been given an opportunity to explain how notwithstanding the reduction in the number of mails, parcels, money orders, etc, their work load remained the same as they had to travel the same distance, in terms of coverage of the areas under them and the other that even in such a reduction their present pay had not been protected as they have been fixed at a basic pay much lower than the basic pay drawn by them before the impugned orders were passed.

2. Learned counsel for the applicants would submit that the applicants were entitled to be taken into confidence in any reassessment as they were the ones performing the job. An assessment behind their back leading to the conclusion that their work load had reduced which was not true, would be against the principles of natural justice. Accordingly, the impugned orders were liable to be quashed and set aside, it is contended.

3. Learned standing counsel for the respondents would, however, submit that the relevant departmental instructions provided for periodic reassessment of the workload as the applicants and such other similarly placed persons were paid essentially on the basis of their work load. In the case of the applicants, they were earlier granted 2nd TRCA which had to be brought down to 1st TRCA as their work load had come down from over 3 hours and 45 minutes previously to less than 2 hours and 13 seconds. Accordingly, the applicants had to be brought down from the slab of Rs. 4220-75-6470 to Rs. 2665-50-4165. In the case of the applicant in OA 1722/2017, he was drawing Rs. 5195 on the higher TRCA earlier. He had been fixed at Rs. 4165 which is the maximum of the lower TRCA and had thus been granted a limited protection. The applicants could not claim continued benefit of higher TRCA even when the work load had reduced. The work load is assessed as per specific norms based on documentary evidence and, therefore, there was no question of hearing the applicants before such revision.

4. We have considered the pleadings as well as the submission made by the rival sides. It is not in dispute that the applicants' TRCA had been brought down from the higher to the lower scale and in the process, they have suffered financial loss for no fault of theirs. There is some force in the argument of the learned counsel for the applicants that regardless of the number of mails, parcels, money orders, etc, the applicants would have to travel a minimum

distance which entailed effort and, therefore, they should be duly compensated for the same. Although the respondents have contended that the reduction in work load as assessed by the competent authority was based on norms, we are unable to see any details thereof in the reply so as to enable us to arrive at any reasoned conclusion in this regard. In any case, we do not propose to step into the role of the competent authority as it is for the latter to consider any grievance in this regard.

5. Since the applicants had not been taken into confidence while assessing the workload, we are of the view that ends of justice would be met in this case if the applicants are permitted to make a detailed representation with regard to their grievance and justification, if any to retain the work load assessment at the pre-revised level in terms of documentary evidence of the quantum of work being performed. The applicants may do so individually within a period of two weeks from the date of receipt of a copy of this order. On receipt of representations, the respondents shall consider the same in accordance with their work load norms, details of which may also be made available to the applicants in the interest of transparency and pass a reasoned and speaking order within a period of two months thereafter. The interim order staying the operation of recovery passed on 13.11.2017 shall continue till then.

6. At this stage, learned counsel for the applicants would draw attention to the remuneration payable to different categories of GDS with effect from

01.01.2006 as provided in Director General, Posts, Letter No. 6-1/2009-PE.II dt. 09.10.2009 and submits that the TRCA of Rs. 2665-60-4165 was only for work upto 3 hours for new entrants. As the applicants were not new entrants, they could not be reduced to this slab. The applicants are at liberty to draw the attention of respondents to this in their representations which may also be addressed in the speaking order to be passed by the respondents.

7. OAs are disposed of in the above terms. No costs.

(P. Madhavan)
Member(J)

(R.Ramanujam)
Member(A)

22.11.2018

SKSI