

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00369/2018

Dated Wednesday the 13th day of March Two Thousand Nineteen

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

S.Rajadurai,
S/o. G. Subramanian,
1/667, Udayar Street,
Periya Kolliur Village and Post,
Ariyalaur (SA) SO,
Villupuram District, Pin-605801.

....Applicant

By Advocate M/s. R. Malaichamy

Vs

1.Union of India,
rep by the Postmaster General,
Central Region (TN),
Trichy 620001.

2.The Senior Superintendent of Post Offices,
Vriddhachalam Division,
Vriddhachalam 606601.

3.Inspector Posts,
Kallakurichi East Sub-Division,
Kallakurichi 606202.

....Respondents

By Advocate Dr. G. Krishnamurthy

ORAL ORDER

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

Heard. The applicant has filed this OA seeking the following reliefs :

"1. To direct the respondents to raise the TRCA of the applicant in the next stage of Rs. 4220-75-6470 from 07.08.2008 instead from 01.03.2016 and further direct the respondents to pay the arrears of difference of pay and allowances (salary) to the applicant and

2. To pass such further or other orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

2. It is submitted that the applicant was appointed as GDS MD, Ariyalur w.e.f. 07.08.2008. He made a representation dt. 01.01.2014 to the 2nd respondent requesting to raise his TRCA (Salary) to the next stage and also allot one more GDS MD to carry out the heavy work load at Ariyalur SO. He followed it up with another representation dt. 10.07.2014.

3. The applicant filed OA 108/2016 which was disposed of by an order of this Tribunal dt. 25.01.2016 directing the respondents to consider the representations of the applicant and pass a speaking order within a period of two months from the date of receipt of a copy of the order. Thereafter, the 2nd respondent raised the TRCA of the applicant to Rs. 4220-75-6470 but w.e.f. 01.03.2016 instead of 07.08.2008. By a memo of the 2nd respondent dt. 19.05.2016 it was admitted that the applicant had been performing excess work and, therefore, the delivery area of the applicant was under review. However, the benefit of rise in TRCA was not allowed from 07.08.2008. Aggrieved, the applicant is before this Tribunal in this second round of litigation.

4. The respondents contest the claim of the applicant for revision of TRCA with retrospective effect from the date of his appointment on the ground that the applicant was granted the correct TRCA in slab-II of Rs. 3330-60-5130 from the date of his initial engagement on 07.08.2008 which was as per the work load that existed then. The revision of allowance for GDS MD, Ariyalur was only due on 01.09.2011.

5. A clarification was sought from the the Chief Post Master General, Tamil Nadu Circle, Chennai regarding the periodicity of revision of allowances to be made for GDS. For want of such clarification, no revision could take place for any GDS including the applicant during 2012-14. Subsequently, the work load of the applicant was assessed on verified statistics received on 02.03.2015 and it was worked out to be 4 hours and 51 minutes. The allowances applicable for work load more than 3 hours and 45 minutes upto 5 hours was the IIIrd slab of Rs. 4220-75-6470. Accordingly, he was placed in the said slab w.e.f. 01.03.2016. Further, one village served by the applicant was transferred to the delivery jurisdiction of the adjacent branch w.e.f. 01.07.2016 by a memo of the 2nd respondent dt. 29.06.2016.

6. Learned counsel for the applicant would argue that the applicant was performing a high workload right from the date of his initial engagement and was underpaid by placement in TRCA-II slab of Rs. 3330-60-5130. Even assuming that the applicant would not have a claim from his initial date of engagement, the workload of the Ariyalur Branch ought to have been considered

for revision w.e.f. 01.09.2011 as admitted by the respondents themselves. The applicant could not be penalised for the delay in seeking clarification and assessment of workload thereafter. It is further submitted that after the very same statistics were received on 02.03.2015, the respondents took another full year before revising the applicant's allowances upwards to the 3rd slab of Rs. 4220-75-6470 w.e.f. 01.03.2016 only without any valid reasons. It is accordingly urged that the respondents be directed to revise the allowances payable to the applicant retrospectively at least with effect from the date the revision had fallen due in terms of the relevant instructions/OM of the department.

7. Learned counsel for the respondents would, however, submit that the respondents were not at fault for the delay in revising the applicant's allowances as a revision of allowances was to be carried out every three years as per Annexure R1 OM dt. 01.04.2003. However, the OM was recalled by a letter of the Directorate dt. 24.12.2007. Accordingly, a clarification was sought from the competent authority regarding the periodicity of review of workload and revision of TRCA and on whether the TRCA would be protected in the event of reduction of workload. The matter was clarified by the competent authority only on 04.12.2013 by Annexure R4 letter stating that prior to the issue of the Directorate letter dt. 01.04.2003, instructions had been issued in this regard by an order dt. 21.01.2002 and, therefore, with the withdrawal of the letter dt. 01.04.2003, the instructions dt. 21.10.2002 would be back in force.

8. By a subsequent letter from the Ministry of Communications & IT dt. 27.06.2014 (R5), it was clarified that the review of establishment of Branch Offices shall continue to be done once in every three years with the annual inspection of the Branch Offices. It was only thereafter that necessary statistics could be collected in regard to the work load of the applicant and the orders were issued subsequently enhancing the TRCA of the applicant w.e.f. 01.03.2016.

9. I have considered the facts of the case in terms of the pleadings and the arguments presented by the rival counsel. It is not in dispute that the letter dt. 01.04.2003 prescribing the periodicity of revision of workload assessment was withdrawn subsequently by a letter dt. 24.12.2007. It is also admitted that with the withdrawal of the letter dt. 01.04.2003, the instructions as contained in Order No. 17-115/2001-GDS dated 21.10.2002 would have to be followed as they continued to be in force. A copy of this order is not seen attached either by the applicant or by the respondents. As such, it is not known what periodicity was prescribed for Branch Offices before the issue of the letter dt. 01.04.2003 which was subsequently withdrawn. It is only by a letter dt. 27.06.2014, a further clarification was provided that review of establishment of Branch Offices shall continue to be done once in every three years with the annual inspection of the Branch Offices.

10. The respondents have admitted that the revision in the case of the applicant was due on 01.09.2011. However, they arranged to collect statistics

regarding the workload of the applicant only on 02.03.2015 and took one year even from such date to raise the allowances payable to the applicant. It is not the applicant's fault that relevant statistics was not collected from the time the revision was due.

11. In the above view of the matter, I deem it appropriate to direct the respondents to make further inquiries if the applicant's workload as assessed by verifying the statistics received on 02.03.2015 was applicable for the work performed by him between 01.09.2011 and 01.03.2016. Unless there is evidence to show that the applicant continued to perform workload related to slab-II ie. Rs. 3330-60-5130 till 01.03.2016, the respondents ought to consider a retrospective enhancement to the TRCA payable to the applicant based on the actual workload performed by him during this period. The competent authority is accordingly directed to collect relevant details for the period 01.09.2011 till 01.03.2016 and issue an order regarding the applicant's claim for enhancement in the light of such statistics within a period of four months from the date of receipt of a copy of this order.

12. OA is disposed of as above. No costs.

(R. Ramanujam)
Member(A)
13.03.2019

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