

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.20/828/2017

Date of Order: 26.06.2019

Between:

1. R. Abdul Rahiman S/o B. Khader Basha
Age about 41 years
Gramin Dak Sevak Branch Postmaster
Talupula B.O. a/w Piler S.O.
2. Y. Prabhakar Reddy S/o Late Y. Gangi Reddy
Age about 59 years
Gramin Dak Sevak Branch Postmaster
Agraharam B.O. a/w Piler S.O.
3. M. Hymavathi w/o C. Vishwanath Reddy
Age about 52 years
Gramin Dak Sevak Branch Postmaster
Gudarevupalli B.O. a/w Piler S.O.
4. C.P.Rajya Lakshmi W/o P. Kamalakanthudu
Age about 55 years
Gramin Dak Sevak Branch Postmaster
Doddipalli B.O. a/w Piler S.O.
5. M. Balasubramanyam S/o M. Nagabushan Rao
Age about 62 years
Gramin Dak Sevak Branch Postmaster
Ellamanda B.O. a/w Piler S.O.
6. P. Rahimunnisa W/o Abdul Rahiman
Age about 32 years
Gramin Dak Sevak Branch Postmaster
Vadlakunta B.O. a/w Piler S.O.

7. V. Surendranath Reddy S/o V. Rami Reddy
Age about 58 years
Gramin Dak Sevak Branch Postmaster
Jandla B.O. a/w Piler S.O.
8. G. Srinivasa Rao, S/o G. Radha Krishna Rao
Age about 56 years
Gramin Dak Sevak Branch Postmaster
Utsikayalapenta B.O. a/w Piler S.O.
9. T. Sunitha W/o C. Tharakantha reddy
Age about 48 years
Gramin Dak Sevak Branch Postmaster
Bandakindapalle B.O. a/w Piler S.O.
10. V. Sumathi W/o V. Venkataramana Reddy
Age about 64 years
Gramin Dak Sevak Branch Postmaster
Konireddipalle B.O. a/w Piler S.O.
11. V. Prakash Babu S/o V. Krishnaiah,
Age about 30 years
Gramin Dak Sevak Branch Postmaster
Mudupalvemula B.O. a/w Piler S.O. ... Applicants

AND

1. The Union of India represented
By its Secretary to the Government of India
Ministry of Communication & IT
Department of Posts-India
Dak Bhavan, Sansad Marg
New Delhi – 110 001.
2. The Chief Postmaster General
A.P.Circle
Vijayawada – 520 001.

3. The Postmaster General
Kurnool Region.
Kurnool.

4. The Superintendent of Post Offices
Tirupati Division
Tirupati 517501. ... Respondents

Counsel for the Applicant ... Mr. M. Venkanna.

Counsel for the Respondents ... Mr. R.V.Mallikarjuna Rao, CGSC,

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORAL ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

2. The OA has been filed in regard to reduction of Time Related Continuity Allowance (in short as 'TRCA').

3. Brief facts of the case are that the Applicants are working as Gramin Dak Sevak Branch Postmasters (in short as 'GDSBPM') in the respondents organization. 1st Respondent, vide letter dated 15.10.2012 has issued orders stating that in the event of a reduction in workload of the Branch Post Master to that of the lower slab, the TRCA allowance at the existing slab would be protected for an year in order to give opportunity to GDSBPM to improve workload to the level required to be eligible for the TRCA being drawn. On completion of one year a special

review would be conducted to assess the workload of GDSBPM and thereafter revision of the TRCA will be taken up. The 4th Respondent has increased the TRCA of the applicants vide Memo. of 17.02.2015 to the next higher slab based on the existing workload of the Branch Post Office. However, the 4th Respondent, without following the guidelines as specified in the letter dated 15.10.2012, has unilaterally reduced the TRCA of the applicants w.e.f. 01.09.2017, vide impugned order dated 20.09.2017. Neither review was conducted nor a notice was given to the applicants before reduction of their pay. Hence, the OA.

4. The contentions of the applicants are that whenever their pay is reduced, a notice has to be given in accordance with the Principles of Natural Justice. The 4th Respondent, despite the clarification from the 1st Respondent that there shall be no reduction in the TRCA, even if there is drop in workload for a period of one year, has acted against the prevalent instructions. The Circle Postal Accounts have verified the workload of the applicants and found it to be correct. Besides, there was neither audit conducted nor was there any observation by the Audit to reduce the TRCA. Applicants have cited the observations of the Tribunal in OA No.1474/2012, OA No.1525/2012, in support of their contentions. Applicants claim that their workload has increased tremendously and, therefore, in 2015, their pay/TRCA was increased.

5. Respondents state that the establishment of all Branch Post Offices, wherein the applicants are working, was reviewed in the month of March, 2015 and found that there was huge drop in the workload. As per the directions contained in letter dated 15.10.2012, notices were given to the applicants accordingly to improve the workload. The 3rd Respondent directed the 4th Respondent to review the workload as per the directions contained in the 1st Respondent letter dated 15.10.2012, and submit a compliance report. Accordingly, a special review was conducted by obtaining the statistics and found there was a drop in workload. Hence, the TRCA was reduced w.e.f. 01.09.2017 by the 4th Respondent.

6. Heard both the counsel and perused the material papers placed on record.

7. (I) The applicants are working as GDSBPMs. Their allowances are decided based on the workload of the Branch Post Offices. Triannually their allowances are reviewed, and thereafter TRCA is increased or decreased, based on the work to be handled. 1st Respondent, vide letter dated 15.10.2012, issued instructions stating, that in the event of drop in the workload of the BPM to that of the lower slab TRCA drawn is to be protected for an year and the GDSBPM be directed to improve the work

within the one year. Thereafter, a special review was to be conducted and TRCA revised accordingly.

(II) In the present case, as per the orders of the 3rd Respondent, the workload of applicants was examined in July, 2017, and found that there was a drop in the workload. Applicants were given a notice to improve the workload. Hence, the contention of applicants that no notice was given is not true. After issue of notice, TRCA was revised w.e.f. 20.09.2017. Nevertheless, the letter dated 15.10.2012 of the 1st Respondent, which is relevant to the present issue, reads as under:

“The matter regarding protection of allowance of GDS BPM in the event of reduction of workload has been engaging attention of the Directorate for sometime past. It has now been decided with immediate effect, that in the event of drop in the workload of the BPM to that of the lower slab, protection of allowance (TRCA) at the existing slab of TRCA of GDS BPM would be provided for an year, thereby giving an opportunity to the GDS BPM to improve the workload to the original level or higher. On completion of this one year, a special review will be conducted to assess the workload of the Branch Postmaster and if the workload after review is found to be at a reduced level, the allowance will be reduced to the corresponding TRCA slab.”

(III) As per the cited letter allowances can be revised only in July, 2018. However, respondents have revised it as per their reply statement

in September, 2017, which is contrary to the instructions of the 1st Respondent. Hence, the action of respondents is against the rules of the respondents organization. Therefore, the reduction of TRCA of applicants does not hold good.

(IV) In view of the aforesaid, the action of the respondents being arbitrary and against the rules of the respondents organization, the impugned order, reducing the TRCA to the extent of the applicants in the present OA, is quashed. Accordingly, the respondents are directed to consider to refund the amount, if already recovered, and if not recovered, let it not be recovered till one year from July, 2018. Thereafter, the respondents can proceed as per the instructions of 1st Respondent dated 15.10.2012 and revise the TRCA. Accordingly, the OA is allowed with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 26th day of June, 2019

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