

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00262/16
With
MA/050/00404/16

Reserved on: 05.09.2019
Date of Order: 09.09.2019

CORAM

**HON'BLE MR. JAYESH V. BHARAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**

Harendra Kishore Sharma, S/o Late Biakunth Sharma, Village & P.O.- Bokane Kala, Via- Chaita, P.S.- Patahi, District, District- East Champaran (Motihari).

.... **Applicant.**

By Advocate: - Mr. J.K. Karn

-Versus-

1. The union of India, through the D.G. Cum Secretary, Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Bihar Circle, Patna.
3. The Postmaster General, Northern Region, Muzaffarpur.
4. The Superintendent of Post Offices, Champaran Division, Motihari.

.... Respondents.

By Advocate: - Mr. A.K. Mantu

ORDER

Per Dinesh Sharma, A.M:- In the instant OA the applicant has requested for quashing the memo no. LC/P(N)/41-MPH/2015 dated 15.03.2016 issued by Post Master General, Northern Region, Muzaffarpur. This Memo, which was issued by the Post Master General in compliance of this Tribunal's order in OA/050/00898/2014 filed by the same applicant, has been questioned on the ground that the workload at Bokane Kala BO does not justify filling up the post of GDSBPM there. The applicant has questioned the assessment of workload made under this order and has alleged that there is much less

work at this post and it can be easily handled by combining that post with the post held by the applicant as it will serve the purpose of the Department by paying a single salary for the work of two jobs.

2. The respondents have denied the claim made by the applicant in their written statement. It is stated that the order of the PMG was in full compliance of the order of this Tribunal in an OA filed before this Tribunal claiming the same relief as is being claimed now. This Tribunal had disposed of the OA without expressing any opinion on the merit of the case with a direction to the respondent no. 3 (PMG, Muzaffarpur) to assess the workload and pass a reasoned and speaking order on the same lines as was directed in an earlier OA by this Tribunal (OA/050/00074/2014). Since the PMG came to the conclusion that the workload of GDSBPM and GDSMC if combined will become more than 5 hours, such combination was not possible for smooth functioning of the BO and therefore a reasoned and speaking order was passed on 15.03.2016 which is questioned by the applicant. This officiating arrangement has been terminated vide Memo dated 15.09.2016 (Annexure R/3). Since the applicant's request has been rejected on the basis of the assessment for the workload and for ensuring proper functioning of the Branch Office there is no justification for entertaining the prayer made by the applicant in this OA.

3. No rejoinder has been filed by the applicant.

4. We have gone through the pleadings and heard the arguments. During the course of arguments, the learned counsel for the applicant reiterated the claims made in the OA. It was again stressed that the workload at Bokane kala BO did not justify fresh recruitment and it was in

public interest to combine these two posts. It was also mentioned that the order of the PMG does not mention anything about triennial review of workload as was mentioned in the earlier order of the Tribunal. The learned counsel for the respondents, however, argued that the Department was the best judge of whether there was sufficient work load and since the PMG has passed a reasoned and speaking order after assessing the workload this Tribunal need not interfere with that.

5. We have gone through the impugned order. It is indeed detailed and has given reasons about how the PMG assessed the workload in that Branch Office. Though there is no mention of any triennial review, we find that our earlier order had only mentioned about assessing the workload in the absence of such triennial review. It can be fairly assumed that since the PMG has got a fresh assessment of workload done it has been done because such triennial review does not exist. Hence, though there may be difference in perception about the hours of work involved at a Branch Office if we have to go for the assessment of workload it has to be the assessment done by the employer and not the employee. Since the Department has fully complied with the orders of this Tribunal in OA/050/00898/2014 and since there is apparently no error in that order which may justify further intervention, the prayer sought in this OA cannot be allowed. The OA is, therefore, dismissed. MA/050/00404/2016, which is filed for staying the operation of Memo dated 15.09.2016 (Annexure A/10) till final decision of the OA, is also, accordingly, dismissed. No costs.

[Dinesh Sharma]
Administrative Member
Sr.k.

[Jayesh V. Bhairavia]
Judicial Member

