

Central Administrative Tribunal  
Patna Bench, Patna.  
O.A./050/00006/2016

**Date of Order:- 30.07. 2019**

**C O R A M**

**Hon'ble Shri J. V. Bhairava, Member [ J ]**  
**Hon'ble Shri Dinesh Sharma, Member [ A ]**

Subhash Chandra Singh, S/o Sri Tek Narayan Singh, resident of Village – Bijulia, P.O. – Sher Bijulia, Via – Bahera, District – Darbhanga.

....Applicant

By Advocate : Shri J.K.Karn  
Vs.

1. 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, Darbhanga Division, Darbhanga.
5. The Sub Divisional Inspector [P], Darghanga East Sub Division, Benipur.

..... Respondents.

By Advocate : Shri G.K.Agarwal

**O R D E R (ORAL)**

**Per J.V. Bairavia, M [ J ] :-** The applicant has filed the present OA seeking the following reliefs : -

*"8[A] Memo No. Staff/CC/Muz/18/2014 dated at Muzaffarpur, the 15.12.2015, issued by the Postmaster General, Northern Region, Muzaffarpur as contained in Annexure-A/11, may be quashed and set aside.*

*8[B] The respondent authorities may be directed to permit the applicant to work against the post of GDSBPM at Sher Bijulia Branch Post Office in account with Behera Sub Post Office, in Darbhanga Division, where he is continuing since 02.02.2002.*

*8[C] The respondent authorities maybe directed to notify the post of GDSDA/MC at Sher Bijulia Branch Post Office in account with Bahera Sub Post Office, in Darbhanga Division, for appointment from open market in the event of necessity of appointment of a fresh person to manage the work of the Branch Post Office.*

*8[D] The Employment Notice No.A-1130[H]/Part Dt. At DBN, the 31.12.2013, issued by the Superintendent of Post Offices, Darbhanga Division, Darbhanga, as contained in Annexure-A/8, may be quashed and set aside."*

2. Brief history of the case of the applicant is that after following the due process of selection, he was selected against the post of EDDA/MC at Sher Bijulia Branch Post Office in account with Bahera Sub Post Office in Darbhanga Division, vide memo dated 04.11.2000 [Annexure-A/1]. The applicant joined the aforesaid post. The applicant submitted that the post of GDSBPM at Sherbijulia Branch in account with Bahera Sub Post Office was going to be vacant due to retirement of the incumbent w.e.f. 1<sup>st</sup> January, 2002.

3. On 24.01.2001 [Annexure-A/2], prior to retirement of the GDSBPM at Sherbijulia Branch Post Office, the applicant submitted his application before the Superintendent of Post Offices, Darbhanga Division. Thereafter, the applicant was ordered to work as GDSBPM at Sher Bijulia Branch Post office. The applicant submitted that in the year 2005, vide order dated 28.12.2005, Sher Bijulia BO in account with Bahera S.O. is hereby combined with GDSDA/MC Sher Bijulia in addition to his own work without any extra expense, terminating present arrangement.

4. The applicant kept on filing representations before the respondent authorities requesting for his regular appointment against the post of GDSBPM, Sher Bijulia Branch Post Office. The applicant submitted that in the event of vacancies, the GDS employees have been adjusted against one post to the other. In this regard, there is specific circular of the

Department of Posts vide letter dated 17<sup>th</sup> Feb., 2004, as to how to deal with such cases.

5. The applicant draw our attention to the instructions issued vide letter dated 21.10.2002 in which it is stipulated in para 8 that filling up of posts on short term arrangement should, as far as possible, be done by combination of duties and that in single – handed BOs, the work may be managed by giving combined duty to GDS MD/MC of neighboring BOS/SOs and in towns and cities, where departmental officials are also available in the same office, it was suggested that the possibility of managing the work by regular staff by combination of duties or by grant of OTAs beyond normal working hours, may be explored.

6. On 31.12.2015 [Annexure-A/11] the applicant has been served a memo issued by the Postmaster General, Northern Region, Muzaffarpur rejecting his claim on the ground that on examination of the relevant documents/papers, calculation sheet of workload of Sher Bijulia BO, it is found that the workload of GDS BPM at Sher Bijulia BO comes to 30.54 points and the work load of GDS MD/MC at Sher Bijulia BO comes to 03 hours and 25 minutes. It is worthwhile to mention here that the working hours of any BO should not be less than three hours and in no case the work-load of any GDS post will go beyond five hours. If both posts at Sher Bijulia BO is combined by changing the status of the BO from double handed to single handed, the work-load of combined posts will be 6 hours 25 minutes, which is more than five hours. Therefore, the workload of combined posts are beyond five hours, it is not

possible to combine both the available posts of Sher Bijulia BO and allow the applicant to perform the work of GDS BPM at Sher Bijulia BO in account with S. Parari SO under Darbhanga Division.

Vide letter dated 31.12.2013 [Annexure-A/8], applications were invited of the candidates whose names are registered in the Employment Exchange under OBC category for the posts of GDSBPM, Sher Bijulia.

7. The respondents have filed their written statement and contended that the applicant Shri Subash Chandra Singh was appointed as EDDA/MC [now GDS MD/MC] Sher Bijulia BO in account with Behera SO vide SDI [P] East Sub Division, Darbhanga, vide memo dated 04.11.2000. When Shri Badri Narain Kumar, the then GDS BPM, retired on superannuation, the applicant was given the charge of GDS BPM, Sher Bijulia OA on 02.02.2002 [A/N] in accordance with SDI [P] East, Darbhanga Memo dated 30.01.2002 vide ASPOs, East Darbhanga memo dated 28.12.2005. The establishment of Sher Bijulia BO was reviewed and on the basis of work-load of GDSBPM and GDS MD/MC of Sher Bijulia BO which was found less than prescribed work-load, work of GDS BPM was combined with GDS MD/MC in addition to his own work without any extra expenditure, terminated the present arrangement but this arrangement was not confirmed by the competent authority within the time frame.

8. When the vacancy to the post of GDS BPM, Sher Bijulia BO was notified vide letter dated 31.12.2013, the applicant submitted his representation which was received on 08.02.2014. Further, the applicant filed an OA No. 78 of

2014 claiming therein that the workload of Sher Bijulia BO is for only one GDS post and that he fulfills all the required criteria of GDS BPM, hence he should be appointed on the post of GDS BPM, She Bijulia BO. The aforesaid OA was disposed of on 28.01.2014 with observations that the order passed in OA 74/2014 shall apply *mutatis mutandis* in this case also. OA 74/2014 was disposed of with a direction to assess the work-load of the post of Raghauli BO and if the last triennial review as prescribed has not been carried out as per schedule. If on the basis of assessment of workload of the posts in the BO as per last triennial review, if next review is not yet due or as per direction in this order, if triennial review has not been done as per schedule, it is found that the workload justifies combination of duty/abolition of a post of GDS then the case of the applicant may be considered in terms of instructions dated 06.01.2012.

9. The respondents submitted that on verification it was found that the work load of GDS BPM at Sher Bijulia BO come to 30.54 points and the work load of GDS MD/MC come to 03 hours and 25 minutes, it is pertinent to mention that the working hours of any BO should not be less than three hours and in no case the work load of any GDS post will go beyond five hours. The respondents submitted that if both the posts at Sher Bijulia BO is combined by changing the status of the BO from double handed to single handed, the work load of combined posts will be six hours twenty five minutes which goes beyond five hours being the outer limit prescribed. Therefore, it is not possible to combine the posts of GDSBPM and GDSMD/MC of Sher Bijulia.

10. Heard the learned counsel for the parties and gone through the records.

11. From perusal of speaking order 15.12.2015 [Annexure-A/11], it is seen that the respondents on examination of the relevant documents/papers, calculation sheet of workload of Sher Bijulia BO, it is found that the workload of GDS BPM at Sher Bijulia BO comes to 30.54 points and the work load of GDS MD/MC at Sher Bijulia BO comes to 03 hours and 25 minutes. It is worthwhile to mention here that the working hours of any BO should not be less than three hours and in no case the work-load of any GDS post will go beyond five hours. If both posts at Sher Bijulia BO is combined by changing the status of the BO from double handed to single handed, the work-load of combined posts will be 6 hours 25 minutes, which is more than five hours. Therefore, the workload of combined posts are beyond five hours, it is not possible to combine both the available posts of Sher Bijulia BO and allow the applicant to perform the work of GDS BPM at Sher Bijulia BO in account with S. Parari SO under Darbhanga Division.

12. In view of the aforesaid discussions, we do not find any infirmity or illegality in the speaking order, which is impugned in the present OA. Accordingly, the OA is dismissed. No costs.

**Sd/-** **Sd/-**  
**[ Dinesh Sharma]M[A]** **[ Jayesh V. Bhairavia]M[J]**

**mps**

