

JOINT COUNCIL OF ACTION
NATIONAL FEDERATION OF POSTAL EMPLOYEES
FEDERATION OF NATIONAL POSTAL ORGANIZATIONS
ALL INDIA POSTAL EXTRA DEPARTMENTAL EMPLOYEES UNION
NATIONAL UNION OF GRAMIN DAK SEVAKS
NEW DELHI

Ref: PJCA/GENL/2012 Dated – 21.01.2012

MEMORANDUM SUBMITTED TO SHRI SACHIN PILOT, HON'BLE MINISTER OF STATE FOR COMMUNICATIONS & INFORMATION TECHNOLOGY ON 21.01.2012

To,

SHRI SACHIN PILOT

Minister of State for

Communications & Information Technology

Government of India, New Delhi - 110003

Respected Sir,

We record our immense pleasure for the kind gesture of the Hon'ble Minister of State for Communications & I. T. for arranging an interview with the staff unions to discuss the pending issues.

We record our sincere thanks to the Hon'ble Minister and we assure our fullest cooperation in the improvement of service to public. We further desire to bring the following issues which are pending for a long to the kind notice of Hon'ble Minister requesting his kind intervention for the mitigation of the same.

1. Issue relating to Gramin Dak Sevaks

The following long pending issues of the three lakhs Gramin Dak Sevaks may kindly be considered favourably.

(a) Grant of civil servants status for all purposes.

(b) 25% outside quota recruitment in Postmen promotion may be withdrawn.

(c) Enhancement of Bonus ceiling to Rs.3500/- at par with regular employees.

(d) Revision of tightened norms for cash handling etc.

(e) Stop reduction of existing allowance (TRCA) and grant full protection.

(f) Review of the tightened norms for compassionate appointment.

(g) Scraping of the newly notified "GDs Conduct and Engagement Rules" and restore previous "GDS Conduct and Employment Rules".

(h) Counting of GDS service for pension on promotion to the post of postmen and Group 'D' (MTS).

2. Grant of Minimum Pay to the casual labourers working in postal department and regularization.

Despite crystal clear orders in existence to grant the minimum of Group 'D' Pay on pro-rata basis to the casual labourers as per the Sixth CPC report, it has not been extended so far to the casual, part-time, contingent employees working in the Postal department. There is an inordinate delay in releasing the orders. In all other departments pro-rata payment has already been made in the year 2008 itself. Notwithstanding the implementation of the recommendations of the committee on casual labour issues constituted by the Postal Board, it is requested to cause immediate orders to pay the minimum of the pay to the casual labourers w.e.f. 1.1.2006. Action may also be taken for regularization of the service of casual, part-time, contingent employees.

3. Regularization of RTP Services and ending the discrimination between the restwhile RTPs

(i) As per the Directorate letter dated 19.4.96, the implementation of the Ernakulam CAT judgment granting the past RTP service as regular service for all purposes was restricted only to the applicants of the O.A. This is against to the decisions of the various judicial pronouncements that the benefits should be extended to the similarly situated persons.

(ii) During 1970 to 1974, even the pre training services of certain officials engaged as postal clerk were regularized. The RTPs were trained and utilized full time in the clerical posts to manage all the works of the post office. They were recruited only under the Postal Assistant recruitment Rules and no separate recruitment rules were framed at this time.

(iii) The CAT, Chennai held that the services rendered by the ex RTPs at APS shall be counted as qualifying services for all purposes. The Chennai High Court, on appeal by the department has upheld the decision of the CAT in WP no 37117 to 37119 of 2002 and directed the department to extend the benefits. Based on this the service rendered by RTP was regularized for several APS RTPs.

(iv) In another case, the Apex court under Civil Appeal No.5739 of 2005 filed by Sri M. Mathivanan, Postal Asst, Cuddalore division upheld the decision of extending the benefits and dismissed the appeal filed by the department with costs. Several APS RTPs were regularized based on this also.

(v) The Directorate has directed the Circle Heads to collect, compile and furnish details of ex-RTPs deputed to APS to consider for extending the benefits to all similarly situated persons. There after there is no action in this regard.

(vi) The Mumbai High Court has also delivered favourable judgment in this regard on 31.8.2010.

(vii) When the issue was earlier taken up through the Minister of State by our union, the department has called for the particulars about the RTPs from all circles vide its letter no 44-1/2011- SPB II dated 13.01.2011.

(ix) We are not demanding the wages for the past periods and only seeking the service be taken for promotion. This will not affect any one's seniority since during 1983 to 1989, there was no recruitment due to ban in filling up of vacant posts. By construing their service, they will get their LSG and other promotions earlier which will not have any financial benefits to them since all of them, by that time will be in Pay Band II. If their services of RTP are taken for MACP, they will get some monetary benefits for which also there is no provision in the existing rules.

Since this will not have any financial implications, it is requested to kindly consider the same without sticking to the Apex Court judgment issued in 1986 in different context in this case by brushing side the bare facts of justification and other subsequent judgments.

4. Creation of System Administrators cadre & extend other facilities

A rapid modernisation takes place in the department and around 1872 crores have been allotted for further extension of modernization. To modernize the existing Post offices, the role of the existing System Administrators are laudable. They are working from dawn to dusk for the efficient functioning of Pos in computers. But for their active involvement, the modernization of Postal Services could not be possible without incurring any expenditure to the department in the initial stage. Most of the softwares were developed by these section of employees. Now the Department is stating that creation of system Administrator posts is not viable. We have already dropped the demand of creation of System Administrators which carry 5400 Grade Pay as there is no full time justification for such post. 'System Assistant' cadre with Grade Pay of Rs.4200/- is in existence in other Government departments. Similar kind of System Assistant cadre may please atleast be created in the department and all the existing personnel may please be absorbed in the existing vacancies since the role of these Technocrats are very much essential for the maintenance of computers & software.

5. Revision of OTA rates and stop recovery of OTA paid to the officials who are engaged compulsory on OTA overlooking the pay ceiling.

At present, over time Allowance is being paid at the rate of Rs.15.85 per hour which was fixed by the Fourth Pay Commission in 1987. There was to revision eventhough the committee of secretaries to look into the OTA issue has decided to continue the scheme of OTA without revising the rate of OTA. In the Railways the rate has already been revised. Further the pay ceiling as fixed by 4th CPC as Rs. 2200/- P.M. has not also been revised. As per the new pay, almost all crossed the ceiling amount and they have been

ordered to perform OTA compulsory and in many cases they have been charge sheeted for not performing OTA. The meager amounts paid at the rate of Rs. 15.85 has also been recovered subsequently. In all the departments, except Postal, the OTA rates have been revised.

It is therefore requested to kindly cause action to revise the OTA rates and waive the OTA amount already paid based on the duty performed due to unscientific application of OTA ceiling fixed by the 4th CPC.

6. Grant of cash payment for uniforms and kit items for Postmen, Mailguard, MTS/Group 'D'

At present the quantity of the uniform supplied is not good. Abnormal delay is also taking place. Action may be taken for cash payment for uniforms and kit items.

7. Delay in filling up of vacancies in all cadres especially in Postal civil wing and Postal Accounts and Postmen cadre.

(a) Eventhough Government has lifted ban on filling up of vacant posts in 2009 iteself, the recruitment process for filling up of vacant posts in civil wing and Postal Accounts are yet to be completed. Postmen posts are also lying vacant due to non-conducting examination. Action for filling up vacant posts in their cadres may also be expedited.

(b) Further it is requested to take action to revive all the 2/3rd vacant posts kept in skeleton for the period from 2005 to 2008. In metro cities/sub urban areas additional justified Postmen post may be created. Action may also be taken to fill up all MTS posts.

8. Decentralisation of PLI/RPLI work

It is requested to roll back the decentralization of PLI/RPLI work.

9. Extend Apex court Judgement in the case of Relaxation of Recruitment Rules (RRR) candidates to all approved candidates awaiting absorption

It is requested to kindly extend the benefits already provided to RRR candidates of Tamilnadu circle to the similarly situated candidates, They are praying mercy and fair play from the Minister as they are being continuously engaged over 14 years and there is no chance for any employment at this stage.

10. Convening the 11th Meeting of Postal Service Staff Welfare Board

The Hon'ble Minister of State for communication & IT has fixed to 11th meeting of postal services Staff Welfare Board on 05.04.2011 for discussions on 27 items in the agenda which was subsequently postponed. Almost all the items placed in the agenda are pertaining to the welfare of the staff. We request the Hon'ble Minister to convene the meeting and decide the items as notified in the agenda as welfare measure to Postal staff.

11. Counting of Special pay to PO & RMS Accountants on TBOP promotion

For implementation of High Court, Karnataka judgment in W.P. No. 7593/2003 dt. 18.11.2010 on this issue, the Ministry of Law has opined that this is not a fit case by way of filing SLP before Apex Court. However, the Directorate has sought the opinion from all circles about filing SLP against Karnataka High Court orders. A kind attention is drawn to order 1 of Appendix 8 of FR & SR 1 which is stated inter alia: -

“The Special Pay would henceforth be termed as Special Allowance as recommended by 5th CPC in para 109.5 of the report and would be granted as hitherto fore subject to same conditions as are stipulated in FR 9 (25)”

(Dept of per & Trg OM No. 4/4/97-Estt (Pay II) dt. 22.4.1998)

The Karnataka High Court has upheld the order of Ministry of Personnel granting special Allowance subject to the same conditions of special pay vide FR 9 (25). In the Draft memo circulated by Directorate to all Heads of Circles seeking their opinion, the following are not reflecting the facts of the case.

i) In para 6, 3rd line it has been mentioned that “special pay having been converted into special Allowance” Whereas in Government order, “as per recommendations of 5th CPC, special pay has been termed as Special Allowance.”

ii) In para 6, 9th line, it has been mentioned that “Payment of special pay was completely stopped,” – but the stoppage of special pay was not accepted by Govt. As per Vth CPC recommendations, the Special pay is now termed as Special Allowance and would be granted as hitherto are subject to same conditions as are stipulated in FR 9 (25)

Under these circumstances, it is not fair to move with SLP in this case as the DOPT vide its OM dated 22.04.1998 clearly stipulated that the special pay was now termed as special allowance subject to the same condition and as such the problem of pay fixation by taking Special Allowance can be sorted out.

It is therefore requested to kindly implement Karnataka High Court decision to all the similarly situated officials and render justice to the aggrieved officials.

12. Recovery of alleged overpayment of pay and allowances to postman on account of fixation from the officials of Accounts branches of HPOs

The drawing & disbursing officers should not be made as scapegoats in this case. According to Rule 87 of P&T FHB Vol I, any excess payment can be recovered at any time. The Apex Court also confirmed that any excess paid due to administrative mistake, there is no rule which prohibits such recovery (Udaysankaran Vs. Union of India JT 1996 (4) SC). The most pertinent point is that the Inspection Parties of ICI and Audit have approved and certified such drawal in many places. There was confusion in interpreting the orders then for which Group C officials are becoming the victims.

On 13.1.09 The Secretary (P) assured to reconsider the issue and ensure no recovery on part of APM Accounts & Accountants. The Secretary observed as unfortunate in the case of Rule 14 initiated charges on the date of superannuation of Sri. V. V. Nargida, APM, Accounts Pune city as he did not pay Rs.727671.61 towards contributory factor for excess drawal to postmen on implementation of 5th CPC orders.

Instead of filing SLP against the decision of the principal CAT, the department has resorted to imposing recovery on APM Accounts and Accountants for the excess drawal resultantly, many officials were charge sheeted and lakhs of rupees is being ordered as recovery. This is totally unjust and against to the natural justice. The Secretary during the talks held on 10.01.2012 has agreed to consider the issue on humanitarian angle.

It is therefore requested to kindly protect the innocent officials from the recoveries arbitrarily imposed in many circles.

13. Denial of three MACP benefits to the Promotees in the Department of Posts

As the promotion to Postal Assistant acquired by writing competitive examination is equated with one MACP promotion, the senior promotees even after acquiring 30 years of service in Postal Assistant cadre could not get the benefits of Rs.4600/- Grade Pay under MACP, where as their juniors are reaching the benefits without any hurdle.

Similarly the Group 'D' promoted to Postmen and then appeared for Postal Assistant examination and becoming Postal Assistant could avail only upto Rs.2800 Grade Pay whereas he was earlier availed 4200 Grade Pay under the BCR Scheme. This has caused a resentment among the postal employees and the officials may be discouraged in writing promotional examination if this anomaly is not sorted out. It is requested to kindly consider that in the case of promotees, if they completed 10 years service in the cadre continuously they shall be accorded MACP promotion with next grade Pay.

Further application of bench mark shall be deleted upto pay band II levels as in the Postal there is no provision of review of C. R. entries at divisional level and whatever be the entry made by the divisional superintendent, it becomes final. It is requested to consider deletion of bench mark application in case of officials up to pay band II level in the Department of Post.

14. Stop harassing staff on Contributory factors for simple and flimsy reasons by misusing the provision of unbecoming of Govt. servant' deviating the rules contained in Volume II, FHB etc.

The Directorate guidelines issued vide letter No. 6/8/59-Disc dt. 09.7.1959, 25/44/60-Disc dt. 30.11.60 and 15-9/74-INV dt. 10.02.75 and subsequent orders are being violated and the officials are being proceeded under contributory negligence factors on flimsy reasons and awarded with huge recoveries. The provisions contained in Rule 106,107,108 & 111 of Postal volume III and the provisions of honest errors can be condoned contained in Rule 204 A (1) Vol. II and the provision of Rule 58, Appendix 4 of FHB Vol. I in dealing of recovery have been totally ignored and sidelined.

The main intention of the Govt. while deciding the degree of an officer's pecuniary liability , it will be necessary to look not only to the circumstances on the cases but also to the financial circumstances of the officer since it should be recognized that the tendency should not be such as to impair his future efficiency.

We placed this item in the Departmental Council for issuing proper guidelines in deciding, such cases. But it is constrained that the orders issued vide letter No. 14013/03/2010 – VP dt. 22.06.2011 does no mention about all the above said provisions and not a speaking one. Resultantly no one is showing any cognizance to such clarification and innocents are being harassed continuously.

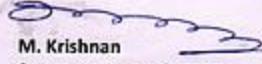
In many cases, the officials at the verge of retirement are being charge sheeted and amount recovered making them as scape goats – The real culprit and main offender become scot free. The main offenders are being dealt with casually. In many places instead of initiating action to recover the amount from the depositors in respect of minus balances, straightaway charge sheets are being issued to recover the amount. The contributory negligence provisions is being misused as a tool against the innocent employees.

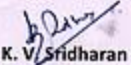
It is therefore requested to direct the department to kindly cause appropriate instructions by citing all the above said orders on the subject and to avoid misuse of the provisions.

We seek the intervention of benign Hon'ble Minister of State on the above said items for the immediate settlement of these problems for which we will ever be grateful.

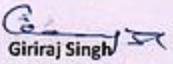
We assure our fullest cooperation in the improvement of service and providing better customer satisfaction to the public.

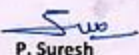
With profound regards,


M. Krishnan
Secretary General, NFPE



K. V. Sridharan
General Secretary, AIPEU Group 'C'

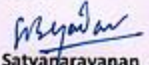

Ishwar Singh Dabas
General Secretary
Postmen, MTS & Group 'D'



Giriraj Singh
General Secretary
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P. Suresh
General Secretary
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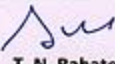

Pranab Bhattacharjee
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

T. Satyanarayanan
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D. Theagarajan
Secretary General, FNPO

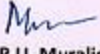

D. Kishan Rao
General Secretary, NAPE Group 'C'



T. N. Rahate
General Secretary
NAPE Postmen, MTS & Group 'D'

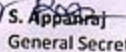

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General Secretary
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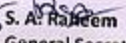

A. H. Siddique
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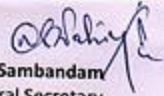

O. P. Khanna
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Admn. Association- FNPO

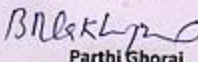

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