

CONFEDERATION OF CENTRAL GOVT EMPLOYEES & WORKERS 1ST
FLOOR, NORTH AVENUE POST OFFICE BUILDING, NEW DELHI-110001

No GDS Committee/confdn/2016

21 .03.2016

To

Shri Kamalesh Chandra
Chairman
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Respected Sir,

Sub: Submission of memorandum on GDS related issues

1. This memorandum is submitted with the most fervent hope that your goodself will be condescend to intercede on behalf of about three lakhs GraminDakSevaks and consider the points raised by us in a most sympathetic and judicial manner. In this memorandum, we are dealing with only some of the most important demands of the GraminDakSevaks, as all other demands are covered in the memorandum submitted by National Federation of Postal Employees (NFPE) and All India Postal Employees Union GDS (NFPE), which are affiliated to Confederation of Central Govt Employees & Workers. We have also gone through your letter no. 7/GDS-KCC/2015 dated 3rd February 2016 addressed to all Chief Postmaster Generals.
2. Grant of Civil Servant Status: The most important demand of GraminDakSevaks is grant of Civil Servant status and all benefits of regular departmental employees on pro-rata basis. In your letter addressed to Chief Postmaster Generals it is mentioned that – “ The GDS staff, because of their nature of duties, is kept outside the Civil Services of the Unions and can’t claim to be at par with the Central Govt Employees.” This is the stand taken by the Postal Department since 1977. Prior to 1977, the stand taken by the Department is that ED employees are only Agents.
 - 2.1. The above stand of the Postal Department is contradictory to the observation made by the Hon’ble Supreme Court of India in the Rajamma’s (or Gokulananda’s) case in the landmark judgement of 1977. The Apex court has observed as follows:

“It appears from the Rules that employment of an Extra-Departmental Agent is in a post which exists, apart from the person who happens to fill it at any particular

time. Though such a post is outside the regular Civil Service, there is no doubt that it is a post under the State.”

- 2.2. In the above judgement Apex Court has not stated that GDS is not a Civil Servant. It has only stated that GDS are “outside the regular civil service”. Outside the regular civil service means they are not regular (full time) Govt employees. They are civil servants but not regular civil servants.
- 2.3. The Department has misconstrued the observation of the Supreme Court that GDS are outside the regular civil service as it is apparent from the stand taken by the Department. The Department has wrongly concluded that GDS, being outside the regular civil service, are not to be considered as Civil Servant, excepting for the purpose of disciplinary inquiry, whereas the observations of the Supreme Court postulated that though the GDS are “outside the regular civil service, yet they are civil servants”.
- 2.4. It is submitted that the Chairman of GDS Committee may carefully examine the legal position of the above argument put forward by us and come to a judicious conclusion regarding the status of GDS. We are sure that such an examination will definitely lead to the conclusion that GDS are civil servants, though not regular (full time) civil servants, and they are entitled to all the benefits of Departmental (Regular) Govt employees on pro-rata basis.
3. Second, most important demand of the GDS is Pay scale, increment and all other allowances admissible to Departmental employees on pro-rata basis. Comparison is to be made with PA (BPMs), Postman (GDSMD, GDSSV) and MTS (all other categories such as GDSMC, Packer, Mailman) while deciding the pay scales, increment and all other allowances.
4. Third, important demand is fixation of minimum and maximum working hours of GDS. It is a fact that the GDS cannot go for any other job on the day he is performing the GDS duty. In the rural villages, there is no such part time job which can be performed by the GDS after completion of his/ her GDS duty. Thus, it is evident that the GDS has to solely depend upon the wages he is getting from his GDS job, for ensuring the livelihood for his family. As such, while fixing the minimum duty hours of a GDS for the purpose of minimum wage, the workload based on statistical norms alone should not be the yard stick. Govt being a model employer, the live hood of the entire family is to be kept in mind. Otherwise the GDS and his family will be subjected to poverty and starvation. Taking into consideration all the above aspects, it is requested that the GDS shall be paid for minimum five hours and maximum eight hours. Even if the actual workload is below five hours, minimum five hours wages is to be paid and for workload in excess of five hours, wages upto eight hours may be paid. The unjustified, illegal and artificial cap of five hours maximum imposed as per the existing GDS Rules should be scraped.
5. Fourth, important demand is Pension and other retirement benefits like Gratuity, Family Pension, Commutation Pension, Leave surrender etc. Regarding Departmental employees, those who entered service before 01.01.2004 are eligible for old statutory Pension ad other Pensionary benefits mentioned above.

New Pension Scheme is made applicable to those departmental employees entered in service after 01.01.2004. The JCM National Council staffside has demanded the Govt to scrap the New Pension Scheme and bring all the employees under the Old Pension Scheme. Notwithstanding our demand for scrapping New Pension Scheme, the following demands with regard to GDS may be considered favourably:

- (i) All GDS who joined service before 01.01.2004 shall be brought under the Old Pension Scheme at par with Departmental Employees.
 - (ii) For those GDS who joined service after 01.01.2004, the existing Service Discharge Benefit Scheme may be modified as New Pension Scheme and percentage of contribution as in the case of NPS may be made. In case, once the Govt agrees for scrapping the New Pension Scheme and bringing all the departmental employees under the Old Pension Scheme, the same yard stick may be applied to GDS also and all GDS may be extended with the benefit of Old Statutory Pension Scheme, on pro-rata basis.
6. Fifth important demand is time bound Promotion or Assured career progression. Now a microscopic minority of GDS are only getting promotion as Postman, Mail guard or MTS. 99% of the GDS enter the service as GDS and retire in the same grade as GDS. There is no financial upgradation available even after completion of 40 years service. This has led to large-scale discontentment and frustration among GDS. In the case of Departmental employees, three financial upgradations are available under Assured Career Profession (ACP) scheme. It is requested that three financial upgradation on completion of 10, 20 and 30 years may be granted to GDS, as in the case of Departmental employees. Regarding pay scales for ACP-I, II and III each cadre may be compared with the three ACP scales of PA (BPM), Postman (GDSMD, GDSSV) and MTS (GDSMC, MP, MM) on pro-rata basis.
 7. The fifth, most important demand of GDS is medical reimbursement facility. It is really pathetic that even after 68 years of Independence, a section of employees working under the Central Govt (Department of Posts) are not having any kind of medical reimbursement facility. Even the Medical Insurance Scheme recommended by the last GDS Committee is not yet implemented. It is requested that all GDS may be extended the benefits of Medical Reimbursement Scheme on same terms and conditions applicable to Departmental Employees.
 8. The sixth demand is grant of all kinds of leave like CL, EL, HPL, Commuted leave etc on par with Departmental employees on pro-rata basis. In the case of maternity leave, the three months maternity grant from welfare fund is against the spirit of the Maternity Act. Maternity leave should be six months and payment should be made from the General Fund as wages. Accumulation of leave and leave surrender may also be allowed.
 9. There are many other demands which are already explained in detail in the memorandum submitted by NFPE and AIPEU-GDS (NFPE). Top priority may be given to the main demands mentioned in the above paras and the GDS may be saved from the exploitation they are subjected to at present.

10. Regarding the suggestions in your letter addressed to Chief PMGs, we are expressing our opinion below:

- (1) Rationalisation of categories of GDS –Three categories are required in comparison with their nature of work. Branch Postmaster, Mail deliverer/ stamp vendor and Multi-tasking staff (which includes GDSMC, Packer, MM). As pay scales are to be decided with reference to relativity in nature of work with similarly placed Departmental employees (PA, Postman & MTS). The above three categories are required.
- (2) Assessment of workload of GDS Post office through point system – If the Department decides that BOs are to be kept open for minimum five hours and more, then assessment of workload based on hours of duty of the office / hours for which the BO is kept open is beneficial. But if the Department decides that the BOs are to be kept open only for three hours or for less than five hours, then the assessment of workload based on actual duty hours will adversely affect the wages of BPM. In the existing system, even if a BO is opened for 3 hours, the BPM can draw maximum allowance for 125 points, which is equivalent to five hours. Some BPMs are eligible for more than 125 to 300 points, but due to the maximum limit of 125 points imposed, they could not earn more wages.
- (3) Uniform Time Related Continuity Allowance (TRCA)
Two pay scales for minimum five hours and maximum eight hours for each of the following category is suggested.
 - (i) Branch Postmasters – Pro-rata scale with Postal Assistant
 - (ii) Mail Deliverer/ stamp vendor – Pro-rata scale with Postman
 - (iii) Multi Tasking staff (MC, MP,MM)- Pro-rata scale with MTS

For workload upto 5 hours, five hours pay scale and for workload above five hours, 8 hours pay scale is to be granted.

We strongly oppose Performance Related Incentive Scheme (PRIS) for workload above five hours. Separate pay scale may be provided for workload above five hours.

- (4) Rationalization of Time Related Continuity Allowance (TRCA) - See our comments against SI – 1 and 3 above.
- (5) Incentive for work over uniform TRCA – See our comments against SL. 3 above.
- (6) GDS for Urban area – We oppose the extension of the GDS system to Urban areas. Department should not encourage further expansion of GDS system and exploitation of GDS.
- (7) SI missing in the questionnaire.
- (8) Improving accommodation for Post office:Idea is good and welcome. But without increasing the amount of compensation payable to BPM on account of rent of the building, no BPM will be able to provide better accommodation for BO. Shifting to Panchayath/Government buildings can be done wherever possible.

- (9) Visibility of GDS Post offices – Branding of the BO like Project Arrow will be a welcome step.
- (10) Augmentation of infrastructure facilities for Branch Post offices: Facilities available in a single handed departmental delivery Sub Post office may be extended to Branch Post Offices also.
- (11) Increase in amount of Allowances – We fully endorse the proposals of NFPE and AIPEU-GDS(NFPE) submitted in their memorandum regarding Allowances.
- (12) Handshake Scheme :
GDS are continuing in their post upto 65 years not because they are willing to work upto 65 years, but due to the compulsion that without the wages they earn from the GDS post their family will be subjected to penury and starvation. Hence instead of handshake scheme, better arrangement for training and retaining may be made so that nobody will be force to leave the job. If no arrangement for training and proper infrastructure for smooth functioning of the hand-held computer is provided, then the proposed Voluntary Retirement Scheme (VRS) will in effect become Compulsory Retirement Scheme (CRS).
- (13) Method of recruitment: We fully endorse the proposals of NFPE and AIPEU-GDS (NFPE) regarding method of recruitment.
- (14) System of substitutes –
Leave reserve staff may be attached to important BOs or Account Office as in the case of Departmental employees and their services may be utilised for filling up of short term vacancies including leave vacancies. Terms and conditions of the leave reserve staff should be similar to Departmental LR staff.
- (15) Discharge Benefit Scheme – Please see mainpara 5 of this memorandum.
- (16) Leave – Please see mainpara 8 of this memorandum.
- (17) Transfer facility – All request transfers may be allowed, subject to the terms and conditions applicable to Departmental employees.
- (18) Disposal of disciplinary cases: Existing guidelines may be strictly implemented. Disciplinary actions should be initiated against those responsible for the delay.
- (19) Financing of GDS Post Office: Existing arrangement should be further strengthened by deploying more officials exclusively for cash conveyance and also by increasing the limit of amount to be entrusted to each official. Further wherever banks are available, drawing facility from Banks may be extended to BOs also. The procedure for Bank drawing facility should be streamlined and simplified.

- (20) Issues of SDBS Contribution- It has become a mess. GDS who retired after joining the SDBS are not getting any benefit for months together. Hundreds of cases are pending in each Circle, for final settlement. Poor GDS are running from pillar to post.
- (21) Motorcycle advance for e-commerce parcel mechanised delivery – This is a welcome suggestion. Interest should not be more than 3%. Further motorcycle maintenance allowance should also be paid every month and petro/ diesel charges may be reimbursed.
- (22) Compensation to Sevaks in cases where they are brought on duty on Sundays/ holidays: Double the daily wages should be paid for Sunday/ holiday duty. We oppose bringing GDS on Sunday/ holiday duty as a regular practice. It should be rare and exceptional.
- (23) Compensation to Sevaks in cases where the workload happens to be more than 5 hours in a day till upgradation of the Post Office or till additional posts are redeployed or work redistribution physically materialises:
- For workload more than 5 hours higher pay scales of 8 hours may be granted to GDS, as recommended by Talwar Committee. There is no need for upgradation of the office which will result in throwing out the BPM out of BPM job.
- (24) Compensation to the Sevaks towards providing the accommodation for housing the Post Office and towards residing in Post village/ delivery jurisdiction, as the case may be :
- Reasonable rent for the BO may be paid by the Department. HRA as in the case of departmental employees shall also be paid to all GDS as per the same terms and conditions.
- (25) Review of Assistance available under Circle Welfare Fund for GDS: We fully endorsed the proposal submitted by NFPE and AIPEU-GDS (NFPE). Further it is suggested that the Circle Contributory Welfare Fund / scheme that existed in Kerala Postal Circle, which is one of the best in the whole country, may be studied by the GDS Committee and positive features accepted. As per the Circle Contributory Welfare Fund Scheme of Kerala, full reimbursement of medical expenses was reimbursed to all GDS in addition to other benefits.
- (26) Provisioning of medical facilities to the GraminDakSevaks- Please see main SL-7 of this memorandum.
- (27) Changes required, if any, in the rules governing GraminDakSevaks – We fully endorse the changes proposed by NFPE and AIPEU-GDS (NFPE).

11. CONCLUSION

Concludingly, I request you to grant me an opportunity to appear before your goodself to tender oral evidence on GDS issues, for which act, we shall be grateful to you.

Thanking you in anticipation,

Yours faithfully,

New Delhi
21.03.2016

M KRISHNAN
Secretary General
Confederation & JCM (NC) Standing Committee Member

Copy to

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