

# ALL INDIA POSTAL EMPLOYEES UNION-GDS

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MEMORANDUM  
TO  
GDS COMMITTEE  
ON  
GRAMIN DAK SEVAK ISSUES  
OF THE  
DEPARTMENT OF POSTS

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## PREFACE

1:1 Before submission of our service conditions, Job profiles and demands, we are submitting hereunder the justification for perusal of GDS demands by the GDS Committee. The Postal Department employs the largest number of Government employees, next to Railways and Defence. More than half of its workforce is called the Grameen Dak Sevaks, the new nomenclature given for the Extra Departmental Agents. The system of EDAs was evolved by the British Colonial Government to sustain a postal system at a cheaper cost especially in rural areas.

1:2 Despite the enactment of much legislation to prohibit the exploitation of workers, the Government continued with this system. No doubt in the post independent era, at the instance and persuasion of the Unions/Federations certain benefits were accorded to them. Till 1960, the GDS or the Extra Departmental Agents were treated as Government employees and were covered by the service conditions applicable to civil servants.

1:3 However, the Department of Post reversed this position thereafter and contended that they are not Central Government employees. The Honorable Supreme Court in 1977 declared that they are holders of Civil Posts. Justice Talwar Committee appointed by the Govt. to look into the issues pertaining to GDS declared that the GDS are holders of civil posts and all benefits similar to regular employees must be extended to them. However, the Government did not accept this recommendation of the committee which they themselves set up.

1:4 On the specific suggestion of the Postal Department, the Government set up a separate Committee called the Natarajamurthy Committee to go into their service conditions and suggest improvement on the lines of the recommendations of the 6<sup>th</sup> CPC. The recommendations of this Committee were totally disappointing and the GDS in the post 6<sup>th</sup> CPC era is worse of.

1:5 The justification for consideration of their cases only by the Seventh Pay Commission was demanded by the Postal Unions only on the following reasons.

1. The earlier claim of the Union of India that the relations between Extra Departmental Agents and the Govt. was one of principal and agent and not of master and servant has been emphatically rejected by the Hon'ble Supreme Court in Superintendent of Post Office V/s. P. K. Rajamma, 1977 (3) SCR 678 and declared that they are holders of Civil Post

2. The observation of the Fourth Central Pay Commission is furnished inter alia;

"A letter was received from the Ministry of Communications (P&T Board) for exclusion of the extra departmental employees, numbering about 3 lakhs, from the purview of our inquiry. It was stated that the system of Extra Departmental Agents was peculiar to the P&T organization and was designed to extend postal facilities in rural and backward areas where opening of regular departmental post offices was not justified due to inadequate workload. The remuneration and the conditions of service of Extra Departmental Agents were also different from those of regular Government employees. The Third Pay Commission accepted the view that the extra departmental agents were not holders of civil posts and decided to exclude them from its purview.

The matter is, however, beyond controversy after the decision of the Supreme Court in Gokulananda Das's case where it has been declared that an Extra Departmental Agent is not a casual worker but 'holds a post under the administrative control of the State' and that while such a post is outside the regular civil services, there is no doubt that it is a post under the 'State'. In view of this pronouncement, we were unable to accept the contention that extra departmental employees were outside the purview of the terms of our Commission. They have no doubt, their own peculiar conditions of service and, in that sense, their case is somewhat special. We, therefore, could not exclude them from our consideration, but we accepted the Government's suggestion for the setting up of a one-man committee to look in to their conditions of service as was done by the Second and Third Pay commissions.

From the above observation, it is crystal clear that the Fourth Pay Commission was in the conclusion that the ED Agents are civil servants even though they are kept outside the regular civil service and therefore they were included within the purview of the said Pay Commission. The above observation postulates that though the ED Agents are 'outside the regular civil service', yet they are civil servants and, therefore, were included within the purview by the commission. As per the law of the land laid by the Supreme Court, the ED Agents are civil servants as defined under Article 311 (1) of the Constitutions. Necessarily, therefore, they come within the purview of Article 309 as well. The Govt as a model employer, shall not create class within the class on the term of Central Govt employees after the clear verdict of the Supreme Court that the GDS are holders of civil post.

3. The Savor Committee appointed at the time of Fourth Pay Commission in its report under Para 11.4 also observed inter alia:

"The Supreme Court judgment in Civil Appeal No. 1313 of 1976 enunciated the principle that ED agents are holders of civil posts but outside the regular civil service. The specific issue before the court at the time (Civil Appeal No. 1313 of 1976) was the validity of the orders of the appropriate authority of removal and dismissal of certain Branch Post

Masters. Consequently the ED agents, being holders of civil posts would be entitled to the benefit of security of service conferred on Government Servants by the provision of Article 311 of the Constitution.

The Central Civil Service (Classification, Control & Appeal) Rules 1965 are rules made under Article 309 of the Constitution of India and govern all persons who are members of any service or who hold a civil post under the Union of India. Rule 2(A) of the said Rules defines the term "Government Servant" as a person who is a member of a service or holds a civil post under the Union. Accordingly the Govt should have brought the GDS under the CCS (CCA) Rules 1965 but applied the provisions only for removal and dismissal of ED agents then.

4. The Govt. of India appointed a committee headed by Sri Charanjit Talwar, Retired High Court Judge, Delhi to consider the service condition of the Extra Departmental employees in the year 1995 after the formation of Fifth Central Pay Commission for the regular departmental officials. After a detailed study with regard to the system and its present existence, the Committee has recommended to treat them at par with regular civil servants by according them the civil status.

5. The observations of the Justice Talwar in his report on this subject are most appropriate. The following are few of his recommendations in this issue.

"The Extra Departmental Agents have to be included within the overall class of civil servants, being holders of civil posts. They can be grouped as 'additional' to the departmental employees but they cannot be classified as a class apart from the civil servants. At any rate they cannot be classified with the sole object of not granting them benefits which accrue to a departmental employee."

"The plea taken by the Department before the Second and Third Pay Commission and also before the various learned Tribunals that ED Agents are a class apart is entirely misconceived. It is violative of Article 14 and 16 of the Constitution."

6. Justice Talwar Committee in its recommendations in the concluding observations held that "they have been held by the Apex Court to be civil servants. Therefore, these employees are required in future to be included within purview of the Pay Commission." Further, it asserted as follows:

"It is, therefore, recommended that whenever it is required to review the service conditions and wage structure of the employees of the Department of Posts, ED Agents be bracketed

along with the departmental employees. There is no need to set up a separate committee or commission for the extra departmental agents.”

7. Even though the Justice Talwar Committee had recommended that there will be no more separate committee for the GDS as well as the existence of earlier recommendations of the Fourth Pay Commission for inclusion of GDS issues into Pay Commission duly declaring them as holders of civil posts, the Govt did not include the GDS in to the terms of reference of the Sixth Central Pay Commission. The Postal Joint Council of Action (PJCA) issued indefinite strike notice demanding the remittance of GDS into Sixth Pay Commission or appoint another judicial committee as if appointed at the time of Fifth Pay Commission headed with the former Judge of Delhi Justice Charanjit Talwar as 90% of his recommendations were simply rejected particularly in non-grant of civil status to the GDS. The indefinite strike was deferred after reaching agreement which is furnished inter alia:

**“Appointment of Judicial Committee/ Commission for GDS and grant status and pension to GDS employees”**

Staff Side was apprised that in view of special status of GDS, they were out of the purview of JCM scheme which also takes them beyond the scope of 6<sup>th</sup> Central Pay Commission. However, the Staff Side insisted an another attempt to be made for consideration of GDS issues by the 6<sup>th</sup> CPC set up for Central Govt employees. The request of the Staff side that the matter may be referred to 6<sup>th</sup> Central Pay Commission by the department has been considered. The Department will make the request to the Government that 6<sup>th</sup> Central Pay Commission may look into GDS also.

1.6 But thereafter, the Department unilaterally constituted a committee headed by Sri. R. S. Nataraja Murthy, a retired officer of the Department despite strong resentment and objections raised by the staff side of the Department of Posts. The said committee set aside all the positive recommendations of the earlier justice committee and justify the exploitation of the GDS by declaring them not the holder of civil post and cannot claim any service conditions at par with regular Government servants.

1.7 As we had the bitter experiences last time, the Staff Side of the Postal Department insisted the Staff Side, National Council JCM to include in the terms of reference for the Pay Commission about the consideration of GDS to be remitted to the Seventh Pay Commission and the Staff Side has included this item in the staff side proposal as one of the terms of reference for the ensuing Seventh Pay Commission.

1.8 In the meantime, the National Federation of Postal Employees conducted two days strike on 12 & 13<sup>th</sup> Feb 2014 demanding to remit the GDS issues to the Seventh Pay

Commission. The Postal department based on the demand has referred the case to DOPT to clarify the 4<sup>th</sup> Central Pay Commission's observation in para 1.10 that the expression of Central Govt employees has not been defined based on which a final view over the inclusion of Gramin Dak Sevaks within the purview of 7<sup>th</sup> CPC becomes possible. The Department has communicated to National Federation of Postal Employees that the demand for inclusion of GDS in the 7<sup>th</sup> Central Pay Commission has been referred to DOP&T for a decision in the matter.

1.9 The Government has agreed to remit the cases to Seventh Pay Commission as sought for. However, this could not be materialized and a committee under your chairmanship has been constituted by the department. We decided to cooperate with the committee now formed under your Chairmanship with full hope and confidence that this committee will render justice and fair play to this downtrodden GDS and emancipate them from the existing exploitation.

#### **PRAYER**

1.10 With due respect and regards we request to consider the GDS issues which are submitted in detail in the chapters following this preface and render justice to this exploited, poor category or employees in the Department of posts as if Justice Talwar has observed and ended his recommendations as **'The weak and down trodden need protection'**.

## **CHAPTER - I**

### **GRAMIN DAK SEVAK (formerly called as Extra Departmental Agents -EDA) SYSTEM IS AN ANACHRONISM - SCRAP G.D.S SYSTEM.**

#### **1. They are Extraneous not Extras.**

- 1.1.1: The Colonial British Rulers, with a view to spread over their commercial activities by communication network provided postal services to rural areas virtually on no cost basis by introducing the Agency System of Extra Departmental(ED) employees. The system of E D Services in the Indian Postal Department dates prior to 1866, the manual of which year makes a mention of the system.
- 1.1.2: As per the report contained in 'Outline of Postal History and Practice' released by Mr. Live. G.J. Hamilton in the year 1910, the EDAs were termed as 'extraneous agents', which were confined to Branch Postmaster class only. It was only in 1926 that the ED system was extended to include ED Runners & Extra Departmental Delivery Agents.
- 1.1.3: It was only after 1931 that on the basis of the Jahangir Committee Report that employment of ED Agents on a larger scale were resorted to and the system which was until then confined to branch offices was extended to sub offices and small combined offices. Consequently the categories of ED Sorter, Stamp Vendor, Mail Peon, Letter Box Peon, Packer, Messenger etc., were introduced.
- 1.1.4: The E D System was utilized to serve the interior and inaccessible corners of the country and subsequently expanded to the rural areas to the extent of 1,29,553 BOs where full time post office is not justified. The E D System of the Postal Department is not comparable with any other part time nature of duties performed in any other Central Government Departments. At present it is having a vast and wide infrastructure in all the villages and nook and corner of the country facilitating the postal service in the rural areas to cater the requirement of village population not only in postal but also in other services also.

#### **2. Observations by earlier Pay Commissions**

- 1.2.1: The First Central Pay Commission was of the considered view that the ED Agents fall within their purview. The Second and Third Pay Commissions excluded them from consideration mainly on the grounds that the Department of Posts and Telegraphs had treated them as Agents and a class apart from the regular departmental employees.
- 1.2.2: The Third Pay Commission on the plea of the Department specifically observed that the ED Agents were not holders of Civil Posts. However the Fourth Central Pay Commission did not agree with that perception. It was observed by the Fourth Pay

Commission based on the Supreme Court judgment that it was beyond controversy and that ED Agents were holders of Civil Posts.

1.2.3: Despite all these facts, the GDS employees are still kept outside the main stream of the Department by categorizing them as Sevaks / Agents. Even though the GDS on the one hand and the regular postal employees on the other are performing the same and similar comparable postal work, the GDS (EDA) are denied the service conditions which are available to the regular postal employees thus absolving of any liability such as payment of due and adequate salary, social security benefits like pension, uniforms, medical etc.

### **3. G.D.S are Holders of Civil Posts**

1.3.1: Our foremost contention is "It is a misnomer to describe the service as agency or sevak system." When the postal department is directly employing the GDS officials, there is no place for the Agent or sevak in the department. The department should have taken a decision by this time to include them in the stream of regular departmental service and extend proportionate benefits on par with the departmental employees.

1.3.2: The G.D.S employee does all the work that is done by the departmental employee and he is also deemed as a holder of civil post. There is no ground or rationale or whatsoever to term them as Agents or sevaks and it is nothing but to deprive them of the benefits to which the departmental employees are entitled. The Supreme Court has also held on 22.7.1977 in P. K Rajamma's case that the ED Agents are holders of civil post under the State, even though the posts are outside the regular civil service. It emphasized that ED employee (now called as Gramin Dak Sevak) is not an Agent, not a casual labourer and not a part time worker but he is the holder of civil post outside the regular service and therefore declared that Article 311 (2) of the Constitution of India is attracted.

1.3.3: The Rules makes it clear that the GDS work under the direct control and supervision of the authorities who obviously have the control the manner in which they must carry out their duties. There can be no doubt, therefore, that the relationship between the Postal Department and the GDS is one of master and servant.

1.3.4: Having regard to the principle of *master and servant* subsisting between the postal department and Gramin Dak Sevaks, according to the judgment cited in *para Supra*, they are regarded as holders of civil posts but outside the regular civil service. Consequently, they enjoy the privilege conferred by the provisions of article 311(2) of the Constitution; they should have been departmentalised.

### **4. Landmark Judgments of the Apex Court**

- 1.4.1: It will also be very pertinent to refer to certain verdicts of the Supreme Court about the employment of casual labour, contract labour etc. in the landmark judgments, the Court directed the Government –
- i) To grant Temporary Status as Group D employees to the casual labourer who has completed three years of service and extend all benefits on par with the departmental employees.
  - ii) The contract labourer employed by the Railways and Electricity Board, Tamilnadu who agitated before the Apex Courts have been the beneficiaries of the verdicts that they had also been absorbed as regular employees of their respective department.
  - iii) The canteen employees have also been treated as departmental employees on the basis of the Apex Court verdict. Even their past services under the private contractor, prior to the date of absorption have been taken as qualifying service for payment of pension etc.
- 1.4.2: The Government and the political parties have been profusely proclaiming that the rural population must be provided with all facilities irrespective of the cost which must be borne by the Government for rural development. Unfortunately the same has not been reflected in the decisions taken by the Government in providing the Postal services. The Government should not deny the services to the rural areas on the plea of cost. We therefore propose the Departmentalisation of GDS service by converting GDS service as the departmental service for all purposes for which the additional cost can be treated as a subsidy to the rural development. This will also help in improving the operations of the services, provide full time service by adding more value added services as the GDS employee who is brought on to the mainstream will work with zeal and fervour.
- 1.4.3: For increasing the work load of GDS service, new services can be extended into new areas such as collection of certain Taxes, Telephone bills, Electricity bills, House Tax, Water Tax, PLI premium, Telephone facilities, Giro systems etc. These transactions will result in additional revenue and public appreciation of the services. The various business activities, delivery services etc. can be introduced at BO levels after the proposed modernization by supplying the handheld device and thereby increase the value of service and as well as improvement in the rural areas after such introduction of new works. The rural public will have the benefits of these services in his home village, which was hitherto not available. More details on increasing the business and working hours of GDS Post Offices and GDS employees is dealt with in the coming chapters.
- 1.4.4: In future there is a proposal to provide computers to all Branch Post offices and there is scope of extending more facilities to public in all Postal operations. Now, as per the IT Modernisation Project, all the 1,29,553 Branch Post Offices are going to be fully computerised with Rural ICT solutions shortly. The first phase has been

introduced in U.P. Bihar and Rajasthan Adding all these new items of work, almost all the BOs will justify for its upgradation with the increase in work hours.

## **5. R.R. Savor's unrealistic conclusion:**

- 1.5.1: The earlier committee headed by Shri R.R.Savor had relied upon the observations of Shri C.M. Stephen, former Minister of Communication on the ED system that "we want an Agent having status and financial soundness to serve as the representative of the postal department with all financial functions involved", and arrived at the conclusion that resorting to the ED system of work should continue in the present form and did not evolve any strategy to departmentalise the ED employees.
- 1.5.2: It is most unfortunate that the R.R Savor Committee has discussed about the unrealistic observation mentioned below by the former Communication Minister Sri C.M. Stephen and arrived to the conclusion of the continuance of ED system.
- 1.5.3: "The person concerned must be one who has an adequate means of livelihood. This condition is already there. But this is one condition, which is disregarded in the matter of making appointments. Whatever, we give must only be a symbolic supplement. If the allowance we give should serve as a supplement it follows that the income of the Agents gets otherwise must be substantial enough to make our contribution just supplementary. There must be absolute insistence that a person who takes over the agency must be one having an adequate source of income. The insistence on this be such that in case he loses his main source of income he should be adjudged as incurring a disqualification to continue the agency. This clause must be vigorously and strictly conformed to."
- 1.5.4: It may be significant to mention that the socio economic conditions have vastly undergone changes since the ED system was introduced. The improvement in the literacy, educational opportunities have been enlarged even at village level, resulting in unemployment in the rural areas.
- 1.5.5: At present, mostly unemployed youth are employed as GDS unlike in the past when the village Karnams or teachers were doing the work without any expectation of remuneration but as a status symbol. Now more than 90 percent of the existing GDS employees are totally depending upon this job and income for their livelihood and denial and deprivation of dues by citing unsuited provisions not existed is nothing but a farce and bad before the law.

## **6. Justice Talwar Committee's Recommendations & Govt's rejection**

- 1.6.1: Since all the earlier Committees appointed by the Govt. did not provide any justice to this category, the Postal Federations organized a nationwide strike from 07.12.93 to 10.12.93. The strike was called off after the settlement that the Government will constitute an E.D. Committee with an outsider (not a departmental officer, either

retired or serving) as Chairman, and the Committee will be asked particularly to examine the demand for grant of pension.

- 1.6.2: Accordingly, the Government has set up the ED Committee headed by a Retired Judge of Delhi High Court, Justice Charanjit Singh Talwar vide its resolution No. 6-58/93-PE dated 31.03.95. The Committee had submitted its report on 30.04.1997 after having a detailed study about the ED system.
- 1.6.3: However the Government had not considered the recommendations and the Postal Federations again conducted eight days strike in July 1998. The strike was called off due to the assurances made by the Minister, Communications. Thereafter, the Government summarily rejected most of the positive recommendations of Justice Talwar Committee and the orders issued on 17.12.98 which was stated to be a full and final settlement of Justice Talwar Committee and Minister made a statement in Parliament to this effect.
- 1.6.4: The Government had rejected almost all the recommendations summarily without applying mind properly, causing injustice to these poor plighted categories. The following are the few of such recommendations of the Justice Talwar committee.
1. The Extra Departmental Agents were treated on the same footing as Government servants and, eventually, as civil servants in view of promulgation of the statutory rules under the proviso to Article 309 of the Constitution in the year 1959. The reasons for which these rules were repealed and non-statutory P & T ED Agents (Conduct & Service) Rules, 1964 promulgated, have been found to be erroneous.
  2. The ED Agents ought not to be treated as employees on contract basis or on the basis that their employment is in the 'nature of contract'.
  3. Minimum working hours of a Branch office should be three hours and BPMs be paid at least for 3 hours on the basis of 'work attendance' and not on 'point system'.
  4. Pro-rata basis of payment to comparable whole time departmental employees – This has not been given effect while revising and determining the pay scale of departmental employees at the time of implementation of Fifth Pay Commission.
  5. The ED Agents should be permitted to work for a minimum of 3 hours 45 minutes to 7.5 hours.
  6. ED Agents including ED SPMs should be paid for hours of attendance and not on the basis of workload. If brought on duty for 5 hours, they are to be paid for that period.

7. ED BPMs/SPMs should be duly compensated for the delivery and conveyance of mails. They ought to be paid the same pay as would be entitled to an EDDA/EDMC, if they were to work for the same period.
8. Minimum scale fixed for 3 hours 45 minutes. For excess workload of half an hour or more, a lump sum pay has been prescribed which should be treated as pay for all the purposes.
9. Recommended 'Financial Upgradations" (ACP) for all categories of ED Agents.
10. Weightage to the length of services like 6 to 10 years - 1 increment, 11 to 15years 2 increments, 16-20 years - 3 increments, 21-25 years- 4 increments.
11. Split duty allowance of Rs 100/- (one hundred only) be given to EDAs whenever the time gap between one duty and the other is more than one hour.
12. The EDAs are brought on duty beyond their working hours. They should be compensated and paid. The compensation to ED Agents for detention beyond duty hours for an exchange of mails should be increased.
13. The ED employees should be suitably compensated whenever they are brought on duty beyond working hours, and on holidays like whole time employees.
14. The EDAs working in A, B1, B2, C class cities and unclassified places should be granted House Rent Allowance and City Compensatory Allowance on the same lines as being applicable to the whole time employees subject to the same conditions.
15. The EDAs should be granted the various types of compensatory allowances subject to the same conditions as are applicable to the whole time employees.
16. Travelling Allowance and Daily Allowance be paid to the ED Agents on the same lines as applicable to whole time Government employees subject to a minimum of TA/DA admissible to the Group D employee.
17. On Transfer, the ED Agents should be given all the transfer benefits as prescribed for a regular departmental employee.
18. A reasonable fixed minimum lump sum amount per month as Medical Allowance be given to the ED Agents in rural areas. However, full benefits may be given to ED agents and their family members in case of indoor treatment (i.e.) hospitalization. ED Agents working in urban, semi-urban areas may be given the same medical facilities as in the case of whole time departmental employees.

19. The ED Agents should be given the same amounts of financial relief and assistance as is admissible in the case of whole time departmental employees.
  20. ED Agents be granted Pension, Gratuity and General Provident Fund. The minimum pension has been fixed at Rs 610/- per month.
  21. Instead of maintenance allowance of Rs 25/- to ED BPMs / ED SPMs to provide space for the post offices, the Committee has recommended an Office Maintenance Allowance of Rs 100/- per month in rural areas. However, in urban areas, it should be Rs 200/-.
  22. The recruiting authority of all categories of ED Agents should be the Divisional Superintendent.
  23. The Committee has recommended the following kinds of leave for ED Agents:
    - i) Earned leave: one day's EL for each completed calendar month of service.
    - ii) Half pay leave: eight days half pay leave in a year.
    - iii) Commuted Leave: half the amount of the half pay leave due to be granted on medical certificate.
    - iv) Leave without pay: The leave of 180 days at a stretch has been reduced to 60 days in a year.
    - v) Casual leave: 5 days casual leave in a year.
    - vi) Maternity leave: Female ED Agents be granted the same maternity leave as applicable in the case of full-time female employees as per CCS (Leave) Rules 1972.
  24. The same principle as in the case of whole time departmental employees for leave encashment may be applied to ED Agents also.
  25. Put off duty allowance may be increased from 25% to 50%.
  26. The 1964 EDA Rules should be made statutory.
  27. The ED Agents be made liable to transfer within the accounts office jurisdiction or maximum within the subdivision.
- 1.6.5: Thus, more than ninety percent of the positive recommendations of the Justice Talwar Committee were rejected by the Government and the package issued vide Directorate letter No. 26-1/97-PC & ED cell dated 17.12.98 becomes final and full settlement of the Justice Talwar Committee report resulting continuation of exploitation of labour in the Postal Department.
- 1.6.6: The ED committee headed by Mr. Justice Charanjit Talwar, a former judge of Delhi High Court, after elaborately discussing various issues concluded that the condition of 'adequate means of independent livelihood' for appointment as Extra

Departmental Agents is constitutionally invalid and recommended to delete the said condition. However the condition that they should possess their means of income while taking up ED employment is still in force which become a ruse to deny and dilute the genuine demands of the GDS employees all along.

- 1.6.7: Despite strong protests registered by the major Federations and demanded to remit the GDS issues to the Sixth CPC or appoint a judicial committee, the Government has constituted a retired officer committee headed by Sri R. S. Natarajamoorthy to consider the GDS issues at the time of appointment of Sixth Pay Commission. The Committee submitted its report on 29.10.2008. Indeed, it is one of the most retrograde report containing various cruel decisions against the interest of GDS equating the GDS with part time employees, Anganwadi workers etc. which is against to the spirit of Supreme Court pronouncement declaring the GDS as holders of civil posts and not part time employees. This Retired Officer's Committee mainly concentrated on finding out alibis to negate the positive recommendations of Justice Talwar Committee.
- 1.6.8: Whatever be the positive points and loopholes in favour of GDS employees like time factor, Point system, Compassionate appointment etc., have been properly searched and blocked by the Natarajamoorthy Committee. Almost the entire report is with pre-conceived motion to deny all the legitimate rights of GDS and treat them as second rated work force of the Postal Department. Thus, it was successful in making a class within the class of Postal employees which is against to the Constitutional provisions under Article 14 and provided burial of all the positive recommendations of earlier committee headed by Justice Charanjit Talwar.
- 1.6.9: The following will exhibit how the Gramin Dak Sevaks are being denied the Service benefits applicable to regular employees even after declaration that they are holders of the Civil posts by highest law of the land.

Sl. No	Name of Allowance	For GDS	For Dept. employees
1	Pay & Allowances BPMs	2745 + DA	5200+2000 GP + DA
2	Pay & Allowances to other GDS	2295 +DA 2665 + DA	5200 + 1800 GP + DA
3	House Rent Allowance	NIL	30% , 20%, & 10%
4	Transport Allowance	NIL	1600 + DA & 800 + DA
5	Over Time Allowance	NIL	Available
6	Children Education Allowance	NIL	15000/- per child per annum (upto two children)
7	Leave Travel Concession	NIL	Home Town & All India LTC both available
8	TA/DA Benefit	NIL	Available
9	Bonus (PLB) Ceiling	3500/-*	3500/-

10	Uniform	NIL	Available
11	Subsistence Allowance	25%	50%
12	Pension	SDBS **	NPS 10% of pay plus DA. For those employees who entered service prior to 01.01.2004 old statutory pension is eligible.
13	Gratuity	ex gratia gratuity Maximum Rs.60,000	As per Gratuity Act 16 ½ times of last pay drawn.
14	Leave	Paid leave for 20 days	All kinds of leave including Child Care Leave.
15	Medical facilities	NIL	Under CS(MA) Rules & CGHS facilities
16	Maternity leave	3 months	6 months
17	Time Bound Promotions (Assured Career Progression)	NIL	3 promotions after completion 10, 20 & 30 years of service (MACP)

\*Rs.3500-denied from 2006 and now implemented from 2013.

\*\*Service Discharge Benefit Scheme (SDBS) on the modalities of NPS-Lite with the contribution of Rs.200- per month from Govt.

1.6.10: Another stand taken by the Department is that the employment of an ED Agent is in the nature of contract and, therefore, they are not civil servants. In their affidavits before various Tribunals, the Department has consistently taken a stand that ED Agents are employees on contract. It is not the case of the Department of Post that in fact a contract of agency between the ED Agent and the Government is executed. It is also not their case, as it cannot be because of the Supreme Court judgment, that the relationship between the Department and the ED Agent is that of principal and agent.

The plea taken by the Department before various Tribunals and in their latest letter that the appointment of an ED Agent, in the nature of contract, is therefore untenable.

## **7. The weak and downtrodden need Protection**

1.7.1: The phrase containing in the opening page of the Justice Talwar Committee "The weak and down-trodden need protection" is thrown to dustbin along with the Justice Talwar Committee report, which we respect as the 'Magna Carta' for the GDS and liberation and emancipation of the down-trodden ED employees. If the report is unearthed again and implemented straight away it will render real justice to this category.

1.7.2: We are pleading before the GDS Committee to kindly reconsider with all prudence and justice all the recommendations of the Justice Talwar Committee and the Nataraja Murthy Committee, which was formed later to deny all the positive recommendations of the earlier committee headed by Justice Talwar and render justice and fair-play to this exploited category of the Postal Department.

As a result of the above discussion, the GDS have to be included within overall class of civil servants, being holder of civil posts. They can be grouped as 'additional' to departmental employees but they cannot be classified as a class apart from the civil servants.

1.7.3: In nut shell, we plead the GDS Committee to consider and scrap the GDS System and treat all of them as civil servants with prorated wages and all other benefits as applicable to similar departmental posts.

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## CHAPTER – II

### GDS EMPLOYEES - HOLDERS OF CIVIL POSTS

#### **1. EDAs were treated as not whole time employees. But they were Government Servants.**

2.1.1 Before we discuss the merits of our case to convert the GDS employees as fulltime departmental employees, we draw your kind attention to the Supreme Court verdict in 1977, in the cases of P. K. Rajamma & Gokulananda Dass Vs. Government of India which makes it explicit that the ED employee is a holder of the civil post under the administrative control of the State. This verdict concedes that the ED employee is not an agent as categorized by the Department of Posts

2.1.2: We allege that the Department with the ulterior motive of depriving the legitimate dues had restricted the direction of the Supreme Court for the purpose of the Discipline and Conduct Rules instead of making it applicable for all purposes.

2.1.3: *"Specific Recruitment, Disciplinary and Appeal Rules for the ED Agents were framed by the Director General P&T Department in the year 1935 and by the year 1947, as had been noticed by the First Central Pay Commission, the ED Agents were subjected to Government Conduct Rules and Postal Regulations. Thus, their status was recognized as Government Servants and eventually, in the year 1959, as civil servants by promulgation of the statutory rules under the proviso to Article 309."*

*"The view of the Government of India that Extra Departmental Agents were civil servants within the purview of Article 309 of the Constitution was later on considered by them to be erroneous. The reasons which led the Government of India to change that view need examination:"*

The above are the excerpts of the Justice Talwar committee under para 1-16 & 1-17. This is an unfair labour practice and subtle violation of the judgment of the Supreme Court of 1977 on this issue.

2.1.4: Justice Talwar while tracing out the History and treatment of ED Agents as civil servants observed that in the year 1901-02, the ED Agents assisted during the 'Census' in the year 1901 which highlights the fact that they were being treated by the department on the same footing as that of other regular Government employees. In all the Annual Reports since 1900-01, the ED Agents have been referred to as "not -whole time servants" of the Government. The concept of 'not whole time Govt. employee' is recognized under the FR & SR 1922.

2.1.5: The Extra Dept. Sub Post Masters and Branch Postmasters were to be treated as officers of the third grade and the Extra Departmental Delivery Agents & Mail carriers were included in the Fourth grade for the purpose of T.A. by virtue of orders passed under SR-18. After the expansion of the System, they have been denied the status and deprived all the consequential benefits.

## **2. Government should be a Model Employer**

- 2.2.1: The Government should be a model employer and should honour the law of the land and the directive principles of the State policy as adumbrated in the Constitution of India. It is unfortunate that the Government is resorting to taking decisions, which deny the legitimate entitlements of the ED employees.
- 2.2.2: The Agency System has totally outlived as the objective condition of the society has radically changed. The judiciary has conceded that even contract labourers must be treated as departmental employees of the respective department, if they have worked for more than three-years.
- 2.2.3: The legal position, as per the law of the land (Rajamma's case AIR 1977 - S.C. 1677) is that the ED Agents employed by the department, though they are not employed on whole time basis, cannot be termed as 'agents' because of their relationship with the Government which is that of master and servant. But, the department still describes them as agents/sevaks and not extended the departmental status.

## **3. Denial of Civil Status is Misconceived & Untenable**

- 2.3.1: The Department since 1960 has continued to hold the view that the ED Agents are not holders of civil post even after the landmark judgment of the Hon'ble Supreme Court in Gokulananda Das' case decided on 22.04.77 reported in AIR 1977 SC 1677 wherein, it has been categorically held that ED Agents are holders of civil posts.
- 2.3.2: The Central Administrative Tribunal, Ernakulam Bench while disposing the OA No 584/95 on 23.01.96 has observed inter alia: - "we find no warrant for reading the restriction into the declaration of law in Rajamma's case and limiting it to Article 311. The declaration is that Extra Departmental Agents are holders of civil posts."
- 2.3.3: Further, while disposing the Civil Appeal No 3385-86 of 1996 on 02.02.96, the Supreme Court has observed that ED Agents are civil servants regulated by these Conduct Rules.
- 2.3.4: The department's conclusion that ED Agents being outside the regular Civil Service are not to be considered as civil servants excepting for the purpose of disciplinary inquiry is a misnomer, misconceived and untenable.
- 2.3.5: The observation of the Fourth Central Pay Commission on this issue is furnished hereunder for the kind notice of the Commission to exhibit the stand of the Dept to deny the departmental status to the ED employees.

"A letter was received from the Ministry of Communications (P&T Board) for exclusion of the Extra Departmental employees, numbering about 3 lakhs, from the purview of our inquiry. It was stated that the system of Extra Departmental Agents was peculiar to the P&T organisation and was designed to extend postal facilities in

rural and backward areas where opening of regular departmental post offices was not justified due to inadequate workload. The remuneration and the conditions of service of Extra Departmental Agents were also different from those of regular Government employees. The Third Pay Commission accepted the view that the Extra Departmental Agents were not holders of civil posts and decided to exclude them from its purview.

The matter is, however, beyond controversy after the decision of the Supreme Court in Gokulananda Das's case where it has been declared that an Extra Departmental Agent is not a casual worker, but 'holds a post under the administrative control of the State' and that while such a post is outside the regular civil services, there is no doubt that it is a post under the 'State'. **In view of this pronouncement, we were unable to accept the contention that Extra Departmental employees were outside the purview of the terms of our Commission.**

2.3.6: From the above observation, it is crystal clear that the Fourth Pay Commission was in the conclusion that the ED Agents are civil servants, even though they are kept outside the regular civil service.

#### **4. R. R. Savor on Civil Status to EDAS**

2.4.1: **Para 11.4 of the Savor Committee report is furnished inter alia: -**

"The Supreme Court Judgment in Civil Appeal No. 1313 of 1976 enunciated the principle that ED Agents are holders of civil posts, but outside the regular civil service. The specific issue before the Court at the time (Civil Appeal No. 1313 of 1976) was the validity of the orders of the appropriate authority of removal and dismissal of certain Branch Post Masters. Consequently the ED agents, being holders of civil posts would be entitled to the benefit of security of the service concerned on Government servants by the provision of Article 311 of the Constitution. The Government has since amended Rule 8 of P&T ED Agents (Conduct & Service) Rules 1964 in accordance with the above principle clarifying that before any order of removal or dismissal is passed the process of enquiry, show cause etc., should be observed.

2.4.2: **Para 11.5 of the Savor Committee report is given below: -**

"Relying on this Judgement of the Supreme Court the employees have been agitating for other ancillary benefits admissible to regular government employees, besides proportionate wages. With regards the issue of wage, this has been dealt with separately. In principle the concept of proportionate wage has been accepted by the Committee, subject to the stipulation that in deciding what should constitute proportionate wage attention should be given as much to the work content as to the wage content. **There are, however, certain limitations in prescribing pay scales for Extra Departmental employees because the supporting accounts procedures and establishment would be an enormous involving maintenance of regular service records and other particulars like leave, increments and so on. In view of this, separate scales are not recommended.**"

2.4.3: While pursuing the above, it could be evident that in order to maintain the accounting procedure, many of the genuine issues related to GDS were denied by the Committee. It is most apt to mention after the introduction of computer and there are 100%, perfect accounting procedures in the computers, there will be no block to consider these genuine demands of the employees.

## **5. EDAs are Civil Servants - Justice Talwar**

2.5.1: The observations of the Justice Talwar on this subject are most appropriate and we are endorsing his version and vision and requesting the Commission to implement its recommendation in Toto. The following are few of his recommendations in this issue.

2.5.2: *"The Extra Departmental Agents have to be included within the overall class of civil servants, being holders of civil posts. They can be grouped as 'additional' to the departmental employees, but they cannot be classified as a class apart from the civil servants. At any rate they cannot be classified with the sole object of not granting them benefits which accrue to a departmental employee."*

2.5.3: *"The plea taken by the Department before the Second and Third Pay Commissions and also before the various learned Tribunals that ED Agents are a class apart is entirely misconceived. It is violation of Article 14 and 16 of the Constitution."*

2.5.4: *"It is not the case of the Dept of Post that in fact a contract or agency between the ED Agent and the Government is executed. It is also not their case as it cannot be because of the Supreme Court judgement, that the relationship between the Department and the ED Agent is that of principal and agent".*

2.5.5: *"The result of the above discussion is that ED Agents have to be held to be civil servants not only for the purposes of Article 311 (2) but also as contemplated under Article 311 (1). Logically, therefore ED Agents come within the purview of Article 309".*

## **6. Other related justifications, including Legal decisions**

2.6.1: The Supreme Court in the case of Kanak Chandra Dutta reported in (1967) 1 SCR 679 in para 4 held that "the tests of a civil posts laid down by this Court in Kanak Chandra Dutta's case are clearly satisfied in the case of Extra Departmental Agents". It was observed at the end of Para 5 as below: -

*"The Rules make it clear that these Extra Departmental Agents work under the direct control and supervision of the authorities who obviously have the right to control the manner in which they must carry out their duties. There can be no doubt therefore that the relationship between the Postal authorities and the Extra Departmental Agents is one of master and servant".*

2.6.2: Hon'ble Supreme Court in the case of Theyyam Joseph reported as (1996) 8 SCC 489 also held that the EDAs are Civil Servants regulated by the Conduct Rules and by

necessary implication they do not belong to the category of workmen attracting the provisions of the Industrial Dispute Act, 1947.

- 2.6.3: As the GDS are not treated at par with other members of Civil service, the Department of Posts is creating a class within a class and it amounts to throwing a deal within a deal upon them. This is a gross violation of Article 16 of the Union Constitution.
- 2.6.4: The element of differential treatment is obvious by the very nomenclature of the Rules of 2011 in which the Department says that they are 'Conduct and Engagement' Rules 2011 which goes without saying that it is only a bureaucratic tactics to insert the word 'engagement' instead of 'employment' and simply a case of adding salt to injury. These Rules 2011 are only the rules under the authority of the Government of India and not the rules made and enacted under proviso to Article 309 of the Constitution of India.
- 2.6.5 "Specific Recruitment, Disciplinary and Appeal Rules for ED Agents (GDS) were framed by the Director General P & T Department in the year 1935 and by the year 1947 as has been noticed by the First Central Pay Commission, the ED Agents were subjected to Government Conduct Rules and Postal Regulations. Thus, their status was recognized as Government Servants and eventually, in the year 1959, as Civil Servants by promulgation of the statutory rules under the proviso to Article 309.
- 2.6.6: The Extra Departmental Sub PM & BPMs were treated as officers of third grade and EDDA & MC were included in the fourth grade for the purpose of TA by virtue of orders passed under SR 18. The concept of not-whole time government employee is recognized under FR & SR 1922.
- 2.6.7: In the year 1959, Extra Departmental Agents were declared as holders of the Civil Post within the purview of Article 309 of the Constitution. Accordingly, in exercise of the powers conferred by the proviso to that Article, statutory rules regulating their appointment and conditions of service were framed and promulgated on 25.07.1959 vide GSR No. 890.
- 2.6.8: The legal position, as per the law of the land (Rajamma's case AIR 1977 - S.C. 1677) is that the ED Agents employed by the department, though they are not employed on whole time basis, cannot be termed as 'agents' because of their relationship with the Government which is that of master and servant. But, the department still describes them as agents/sevaks and not extended the departmental status.
- 2.6.9: The Department since 1960 has continued to hold the view that the ED Agents are not holders of civil post even after the land mark judgment of the Hon'ble Supreme Court in Gokulananda Das' case decided on 22.04.77. Reported in AIR 1977 SC 1677 wherein, it has been categorically held that ED Agents are holders of civil posts.

2.6.10: The Central Administrative Tribunal, Ernakulam Bench rejected the argument of the department put forth before them that the ED Agents have been declared as holders of civil post for the purpose of protection and safeguard in Article 311 (2) and observed: -

"We find no warrant for reading the restriction into the declaration of law in Rajamma's case and limiting it to Article 311, the declaration is that Extra departmental agents are holders of Civil post".  
(OA. No. 584/95 decided on 23.1.96)

2.6.11: The position has been further crystallized by the Supreme Court. While holding that Extra Departmental Agents are not workmen attracting the provisions of the Industrial Disputes ACT, 1947, it has been reiterated that ED. Agents are civil servants regulated by these Conduct Rules."  
(Civil Appeal No. 3385-86 of 1996 decided on 2.2.96)

2.6.12 The GDS posts are permanent posts under the establishment sanction of the Department of Posts which can be filled by regular appointment as per the recruitment rules. They cannot be treated as 'engaged' in a regular vacancy.

2.6.13: It is therefore, the department's conclusion that ED Agents being outside the regular Civil Service are not to be considered as civil servants excepting for the purpose of disciplinary inquiry is a misnomer, misconceived and untenable and this is nothing but a violation of Article 16 of the Union Constitution.

## 7. MISINTERPRETATION OF SUPREME COURT JUDGEMENT

2.7.1 We are really shocked to note that the Chairman, GDS Committee in letter No.7/GDS/KCC/2015 dated 3<sup>rd</sup> February, 2016 addressed to all Chief Postmasters General has observed as follows :

*Para-2: "The GDS staff because of their nature of duties, is kept outside the Civil Services of the Union and can't claim to be at par with the Central Govt Employees."*

2.7.2 We regret to state that the above observation of the Hon'ble Chairman of the GDS Committee is contradictory to the observation made by Hon'ble Supreme Court in its land mark judgement of 1977 in Rajamma's (or Gokulanda Dass) case.

The Apex Court has observed as follows :

*" It appears from the Rules that the 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.*

2.7.3 In the above judgement the 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 full time (regular) Govt Employees. They are Civil Servants, but not regular Civil Servants.

2.7.4 The observation of the Apex Court is "outside the regular civil service" has been misconstrued by the Department as is apparent from the observation made by the Chairman in the letter addressed to CPMsG. The Department has concluded that the ED Agent being outside the regular civil service, are not to be considered as Civil Servants excepting for the purpose of disciplinary inquiry. The observation of the Supreme Court postulates that though the ED Agents are "*outside the regular civil service*" yet they are '*civil servants*'.

## **8. We demand**

2.8.1: **Therefore, the injustice done to the ED employees all along should be undone by: -**

**i) Declaring the GDS employees as holder of Civil Posts for all purposes and extension of all benefits of Departmental employees to Gramin Dak Sevaks also.**

**ii) The Constitutional Provisions under Article 309 & 311 should be applied to GDS employees.**

**iii) Scraping the nomenclature of 'sevak' and declare them as 'Rural Postal Employees' or Gramin Dak Karmachari of the Department of Post under a separate category.**

**iv) Make the GDS full-time Government servants by extending various innovative schemes under Human Resource Development, which has been championed by the Planning Commission and Central Government. Till then, the pro rata wages at par with regular employees be considered treating them as civil servants.**

**v) The employees will willingly co-operate to ensure that the services are managed efficiently and also volunteer to promote State welfare schemes.**

2.8.2: We look forward to a radical approach like Justice Talwar Committee in looking into the age long grievances of the ED employees and liberate them from the shackles of continuous exploitation.

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## CHAPTER - III

### DEPARTMENTALISATION OF GRAMIN DAK SEVAKS & BRANCH POST OFFICES

#### **1. Denial of Departmentalisation**

- 3.1.1: The Supreme Court in its judgement delivered on 22.07.1977 held that the ED employee is not an agent, not a casual labourer, and not a part time worker but he is the holder of civil post outside the regular civil service and therefore declared that Article 311 (2) of the Constitution of India is attracted.
- 3.1.2: Except conduct and service and application of disciplinary provisions, no other benefits available to the Departmental employees are extended to the ED employees. The question of Civil Servant Status and consequent departmentalisation of ED Agents (GDS) remains pending for a long and is denied continuously on one pretext or the other.
- 3.1.3: One of the reasons stated for the non-departmentalisation is that the ED Agents are generally expected to have other means of livelihood and as such they are not actually depending upon the ED wages for their means of life. Justice Talwar Committee concluded that "the condition of adequate means of livelihood" for appointment of ED Agents is constitutionally invalid and recommended to delete the said condition. Even though the condition is diluted to some extent, the provisions still exist.

#### **2. Justification For Departmentalisation**

- 3.2.1: As per Justice Talwar Committee's assessment & observations based on scientific survey conducted by it, 95.70% joined the postal department as ED Agents hoping to get full-time absorption and only 4.08% took it as a side occupation. Thus the ED Agents are solely depending upon their wages for their livelihood.
- 3.2.2: So far as their income is concerned, as per the Committee's survey report, about 72% of the ED Agents have Rs 10,000/- or less annual income from the other sources of livelihood which source includes the income of members of their immediate family staying with them. On the basis of monthly per capita consumption expenditure, the annual income required to be above the poverty line for that family would be Rs 13740/. Therefore, it can positively be said that at least 72% of the ED Agents do not have 'adequate means of independent livelihood' as they fall below the poverty line.
- 3.2.3: In the present set up of the social - economic structure of rural areas, the daily wage for an agricultural labourer has been fixed much above the daily rate of Gramin Dak Sevaks. Resultantly, the GDS employees are not able to meet the family expenses and have one square meal a day.

3.2.4: The facts furnished in the para supra will defeat the argument put forth by the department for non-departmentalisation of GDS that the GDS are employed only in rural areas and their livelihood is very cheaper. In our opinion more than 10 percent of the GDS employees are serving in urban town and about 15 percent are in semi urban areas. Even in metropolitan cities, and its suburban, the GDS system still persists.

### **3. Reasons for non-departmentalisation had no justification.**

3.3.1: Another hesitation is due to the cost equation and the Government's capacity to pay. If all the GDS employees are departmentalised by scrapping the existing GDS system with eight hour work load on each official by assigning various new works to improve the functioning to make it more remunerative will overcome the problem. This vast infrastructure will really be an invaluable asset to the department in this era of e-commerce and e-governance even at the rural sectors and not at all a liability.

3.3.2: Another reason stated for non-departmentalisation is that more than 75% of the GDS employees are having less than two hours work. This is far away from the truth. As per the assessment of Talwar Committee, more than 2/3<sup>rd</sup> of the persons interviewed considered that the Branch Post Offices should be opened for four hours and more and 1/3<sup>rd</sup> considered three hours to be sufficient. If the post offices are kept open for more hours and introduces with more new items of work, there is every possibility of increasing the workload.

3.3.3: According to the Department, the GDS officials having more than 3 hrs 45 mts work load (II TRCA) in the department as in the rolls are 177710 which constitute more than 65 percent of the total work force. There is every possibility of increasing the work hours justifying to full time departmentalisation.

3.3.4: After all, as the Supreme Court has ruled that GDS are Civil Servants, the grant of Civil Servant Status and consequent departmentalization cannot be blocked raising the above arguments by the Govt.

### **4. Grant of Full-time Departmental Employees' status also viable.**

3.4.1: We desire to put forth the following suggestions to improve the work hours of B.O and bring them under full time departmental status with consequential benefits of other staff working therein.

3.4.2: We should evolve strategy, ways and means to utilise the human resources available in abundance among the existing ED employees by introducing various new services in the rural areas after discussing with the human resource department etc.

- 3.4.3: As per the observation of the First - ED Committee headed by Major C.V. Rajan, the ultimate solution to this problem is to cease recruitment of ED employees and to convert the existing ED employees as departmental employees.
- 3.4.4: The Justice Talwar committee recommendations that there should be no further creation of posts of ED Agents and neither should any post office in the ED category be opened at least for the next ten years should be adhered in toto. There should be no expansion of ED system till regularisation of all existing GDS employees as full-time Govt. employees. Any further expansion of postal services should be on norm based opening of departmental post offices.
- 3.4.5: The Chairman , GDS Committee vide his letter dated 03-02-3016 has rightly observed that the Department of Posts has been deeply involved in Financial Inclusion with its net work around 1,30,000 GDS Post Offices in rural areas. GDS Post Offices provide critical support in Financial Inclusion through Financial Services, money remittance and life insurance products to address the inequities of the development and make growth more broad based and inclusive.
- 3.4.6: Even though the GDS system is over burdened and frustrated, a little hope has been felt by them after seeing your letter and request as a bonanza to the hard work and zeal of the GDS in financial inclusion in rural areas. They may be treated with departmental status with pro rata wages and other benefits.
- 3.4.7: In respect of all other employees, the workload is being calculated as per the norms applicable for the corresponding categories of the departmental staff vide DG Post letter No 14-6/87-PAP. dt 15.07.87.
- 3.4.8: The following items of work being performed by the ED employees for which no norms are prescribed may be made norm based work to justify the workload of the posts for conversion as full time posts for absorption of GDS with Civil Servant status as full time Govt. servants : -
- i) Work related to RPLI like procurement of proposal & issuing receipts
  - ii) Work related to verification of Electoral & Election work
  - iii) Work related to collecting statistics for Census etc.
  - iv) Work related to M. G.National Rural Employment Guarantee Scheme
  - v) Verification of Mobile Phone Bill Connections of various companies & BSNL
  - vi) Collection of Telephone Bills at BOs
  - vii) Acceptance of Electricity Bills at BOs
  - viii) Acceptance of Water Bills at BOs
  - ix) Carrying out business activities through BOs like delivering of E-post etc.
  - x) Various social security schemes & Direct Benefit Transfer schemes introduced in various States through BOs.

Apart from above, the work related to cash remittance from BOs to Accounts Office has not been taken into the time factor. No time factor is fixed for opening of new accounts. If proper time factors are fixed, this will facilitate the creation of

full time posts for absorption of GDS with Civil Servant status as a full time Govt. servant.

- 3.4.9: On conversion of existing GDS posts in to full time posts, some of the works now reserved only for departmental offices like Pension payment, Sale of certificates, direct booking of Money Orders, SB operations with maintenance of independent ledgers may be assigned to such upgraded post office. Besides, so many items now carried out on the incentive / honorarium basis may also be ordered to be norm based in order to justify the workload for full time posts.
- 3.4.10: If the Branch offices are being computerized as per IT Modernization & Rural ICT plan, there is every scope of introducing various works, including the independent function of POSB at BOs. The workload will be increased manifold. The BOs should also be utilized optimally.
- 3.4.11: This being done, the postal services will become more personalized to the public and better efficiency could be achieved. Also new schemes can very well be popularized among the rural public. Since all the BOs are proposed to be provided with hand held computers and decided to introduce various new financial services, it is possible to run the BOs very efficiently.
- 3.4.12: The work related to non-test category Group 'D' like maintenance of office like water carrying, gardening, etc. in the departmental Sub Post Office may be assigned to the GDS post to augment the workload.
- 3.4.13: The department has come up with the proposal of Panchayat DakSewaYojana and opened many post offices by contract with the Panchayats. We suggest that the existing human resources of GDS employees may be well utilized for the extension of postal facilities to the left out Panchayats, thereby justifying the workload for converting the GDS granted with civil servant status as full time Govt. servants.

Similarly, the existing GDS employees can be utilized optimally instead of `opening 'Franchisee outlet' in urban areas also. When we are having the abundant work force and could utilise their services, there is no need for a franchise outlet in any areas and the services of this GDS official may be utilised for upgradation of their status.

- 3.4.14: GIRO system may be introduced in the village level to co-opt with other Central / State Government departments and Public Sector units on an agency basis. With the 73<sup>rd</sup> Amendment of the Constitution of India, the Panchayats now becomes the third tier of administration. Hence a GIRO system may be introduced in the village level through our Branch offices and the Central / State Government departments / Public Sector units may be co-opted on an agency basis.

3.4.15: Large-scale expansion of Telecom System by providing telephones on demand even in rural areas is scope for utilising the GDS employees. The Department of Posts may also consider in taking licences for running Telecom services in rural areas with subsidised rates to cater the requirement of rural public as if in vogue in many foreign countries. After the Computerisation, it is possible to maintain the following works also in the BOs very efficiently with the manpower available in abundance which is now underutilized at present, for increasing the workload.

- (i) Collection, maintenance and modifications of any of the work related to Census in rural areas.
- (ii) Maintenance, verification and preservation of records pertaining to citizens identify card and other related issues.
- (iii) Ensuring all various new schemes introduced by the Government as its policies can be reached to the village level through our network and infrastructure spread over the nation.
- (iv) Payment of all subsidies of Government shall be made through rural Branch offices.

3.4.16: Thus the village post office will become a Public Relation Office to have all the public relation/transaction with various segments of the Government, creating a vast postal communication network to keep the National integration.

## **5. Departmentalise the GDS as one-time measure by scrapping the System.**

3.5.1: As in the case of canteen employees who were made departmental employees with the effect from 01.10.91 as one time measure, the GDS employees may also be considered on similar line with no expansion of GDS system further.

3.5.2: While granting Civil Servant status to the existing GDS employees and also while exploring the possibilities of making them full time civil servants, further employment of GDS employees to man the postal services may be stopped and the very expansion of the system of GDS may well be dropped.

3.5.3: The above arguments / suggestions will throw clear light on the feasibility of converting the GDS granted with civil servant status to a full time civil servant.

## **6. Residual problems arising out of proposed departmentalisation of GDS Employees**

3.6.1: **Housing of post office:** The suggestion proposed is to make the existing GDS employees into full time departmental employees after granting them civil servant status as they cannot any more be treated as contract agents as declared by the Supreme Court in 1977. The immediate problem posed to the department,

if the departmentalisation is agreed to, is the housing of such Departmentalised Branch Post Office. For this, we suggest payment of reasonable rent.

**7. Conclusion:**

- 3.7.1: The Justice Talwar Committee in its report observes inter alia: The Department of Posts seems to be confused and ambiguous for decades on all issues relating to or arising out of service matters concerning ED Agents. This is due to their uncertainty about the status of ED Agents. The Committee has attempted to break a new path and interpreted the law to ascertain the status to which the ED Agents are entitled..... (Chapter-I, Para: 8)
- 3.7.2: The Department is still not having a vision to regularise the abundant number of GDS as civil servants and utilize their services optimum. We are confident that this Committee will render justice and recommend for grant of Civil Servant status for all purposes to GDS and departmentalization of GDS in true spirit by considering the above submissions.

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## **CHAPTER- IV**

### **JOB EVALUATION OF GDS**

#### **1. Identical duties of regular staff**

- 4.1.1: The various categories of GDS carry out exactly the same type of work, which the regular departmental employee performs.
- 4.1.2: The GDS MD has the same set of duties as that of Postman. He collects Dak from the Post offices for distribution daily, travels to a particular village/ beat and delivers Dak at the houses of the addressees; he also delivers Money Orders, Insured and many other accountable articles.
- 4.1.3: The Stamp Vendor performs identical duties in sub Post Office compared to a Departmental Stamp Vendor. The previous Committee headed by Sri. Natarajamurthy reported that this cadre was declared as a dying cadre and the posts are being abolished. Likewise, the ED Mail carriers, Packers and Mailmen perform exactly the same duties of MTS in the Post offices.

#### **2. GDS Branch Post Masters**

- 4.2.1: The BPMs employed in the department are paid wages on the basis of a point system, which was introduced by the First Central Pay Commission. The Justice Talwar Committee observed that the BPMs be paid minimum of three hours for attending the Post office. The BOs are expected to keep open for minimum three hours daily.
- 4.2.2: The GDS BPM is performing the duties more or less identical to the duties of the Postal Assistants. They are selling stamps, booking registered articles, Money orders, handling SB work, etc. They should be aware of all the ruling positions in respect of all the transactions taken place in their offices.
- 4.2.3: They have to equip themselves with the corrections, modifications, etc. in the rules and regulations, tariff and procedures and required to have a deep knowledge of rules in different volumes of the Postal manuals.
- 4.2.4: They are required to maintain stock register and are responsible for the correctness of articles of stock, different kind of Postal certificates, etc. They are also responsible for the correct maintenance of the BO Accounts and submitting the daily account to the AO.
- 4.2.5: The GDS is himself the Supervisor for all the works performed by him. They should also exercise control and supervision over other staff attached to their office.

- 4.2.6: The importance, gravity, arduousness and risk of their offices more or less similar and identical to departmental 'C' class offices and their services can be equated identical in many aspects with that of the departmental Sub Postmaster.
- 4.2.7: The BO Journal is an omnibus record where particulars of all Postal articles, including MOs booked and details of all transactions received or made are entered in more details than any other record in a departmental office. The particulars of the Savings Bank transaction are entered in the S.B. Journal in greater details than the S.B. ledger. The specimen signature book is also maintained in the same manner as in a sub post office.
- 4.2.8: All other records i.e., Stock register of articles of stock, Error book, Book of Postmarks, etc, are maintained in accordance with departmental Rules. The B.O. Slips are filed and records of delivery of different types of registered/ insured articles are filed therewith. The remittances are received and made in the same manner as in departmental offices and as per the Rules laid on. The responsibilities for cash and stamps and other valuable articles rest with the Branch Postmaster even though the department provides very little arrangements. They have to perform counter delivery and counter payment of MOs beyond the prescribed limit.
- 4.2.9: The Branch Post offices mostly have split duly hours, according to the hours of receipt and dispatch of mails without any additional time allowance as if provided in the departmental offices. Though their offices are kept open for the prescribed duty hours as per the rural conditions, they are on duty for longer hours.
- 4.2.10 There are several new works like RPLI, Sale of Prasadams, verifications of Cell phone Bills, collecting Data for Census & Statistical Dept, MGNREGS scheme, Old Age Pensions, Disability Pensions, Electoral verification etc., being performed at the BOs for which no time factors has been evolved so far. Many new business products are introduced. If proper time factors are fixed for such work, almost all the BOs may have work hours beyond five hours. This should be considered.
- 4.2.11 We are of the considered opinion that instead of terming them as lower to regular departmental officials, we should evolve a strategy to enhance their work and utilise the manpower optimally and grant full time Civil Servant status to all the existing officials working in rural areas.

### **3. G.D.S. Mail Deliverer:**

- 4.3.1: The GDS MD performs the delivery work in the same manner as a departmental Postman does. He is required even to observe greater precautions in payment of money orders and delivery of insured articles. He is personally responsible for the correct delivery / payment. The Postman Book is to be kept according to the prescribed rules and accounts of the cash and valuables and have to be tallied

therein. In addition, he has to maintain the visit book in proof of his visit to the villages on the beat. In short the duties of the GDSDAs are as that responsible and arduous as that of a departmental Postman.

#### **4. GDS Mail Carriers**

4.4.1: The GDS mail carriers are required to exchange mails at the prescribed stages/ Post offices/RMS offices in the same manner as departmental Group D (MTS) or Mail Peon. He is required to identify the bags, examine the seals and chords and read the tag labels. He is required to check and scrutinize the overall condition of the bag/bags he has to exchange and shoulders the same responsibilities and risk as any departmental Group D/ Mailmen. They are doing similar & identical duties of their departmental counterparts.

#### **5. GDS Mail Packers**

4.5.1: The GDS Mail Packers are mostly employed in departmental post offices for all duties similar to that of Group D. They are engaged for change of date, types in stamps & seals, defacing the stamps on all Postal articles, filing work of different records and papers, closing of bags, impressing Post marks, clearance of letter boxes or any other business that a departmental packer or mail peon does. He is for all practical purposes but termed as GDS even remaining for the whole day at office. Such officials are mostly in departmental Sub offices in towns & cities and without their assistance in clerical duties under the existing shortage of staff, the Post office could not function. They are the most exploited categories even though there are justifications to regularise them as full time employees.

#### **6. GDS Stamp Vendors**

4.6.1: These posts were created whenever the sale of postage stamps exceeds Rs.3500/- per day, the objective being that the public need not queue up at regular counters conducting other business just for purchasing some stamps. This system results in relieving congestion at the counters of the Post office, where other regular business such as registration, parcel, Money order, Savings Bank etc takes place and provides easy and quick access to the public for purchasing stamps. The departmental stamp vendors and GDSSVs working side by side in the same office are not uncommon. The work performed by the GDSSVs are one & similar to that of departmental stamp vendors with same works and also of the departmental postal assistant. Since in their activities, there is no difference whatsoever and hence in the employment for vending of stamps any discrimination in wage or whatever form would be hard to justify.

4.6.2: R.R. Savor committee observed, "ED stamp vendors are not employed in rural areas, but primarily in urban areas and even in metropolitan cities. To expect them to work on a low level of consolidated allowance, therefore would not appear to be fair." However as per the Sri Natarajamurthy's Committee report,

the cadre was declared as a dying cadre and many posts have been abolished during the last six years.

## **7. GDS Messengers**

4.7.1: According to Rule 551A of the P&T manual vol. IV, the ED messenger Posts are created which is inter alia: -

4.7.2: "In the case of small combined offices in which the employment of a whole time messenger is not justified by the volume of traffic, extra departmental messengers may be employed instead of employing casual labourer in the form of hired mazdoors, provided that the cost of employing an ED Agent is less than the estimated cost if employing hired mazdoors for the delivery of the messenger received."

4.7.3: Most of the messenger Posts have been abolished due to take over the work of telegram delivery by Telecom and no telegram service is now available. At present, there is no existence of GDS Messenger posts in the Department of Posts.

## **8. GDS Mailmen:**

4.8.1: GDS Mailmen appointed in Railway Mail Service (RMS) are doing the work similar to that of Departmental Mailmen. R. S. Natarajamurthy Committee has declared this cadre as a dying cadre and according to filling up the posts has been stopped. There after due to operational inefficiency and the need, the GDS mailmen posts have been ordered to be filled up. Hence there is no justification in discrimination in wages and other service conditions, at par with MTS working in sorting office/RMS.

## **9. Conclusion**

4.9.1: In a nutshell, the duties, services, functions, risks and responsibilities of the GDS employees of whatsoever category are similar and equal to those of departmental employees of the corresponding categories and are in no way of lower quality work. The different categories of GDS employees and their departmental counterparts are given below:

GDS BPM - Postal Assistant

GDS MD / GDS SV - Postmen

Other GDS Categories - MTS

It is requested to recommend the said comparison for determination of wages.

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## **CHAPTER - V**

### **WAGE STRUCTURE**

#### **1. Pay Scales:**

- 5.1.1: Justice Talwar Committee in its concluding observations in their report, it is stated inter alia: -*"It is, therefore, recommended that whenever it is required to review the service conditions and wage structure of the employees of the Department of Post, ED Agents be bracketed along with the departmental employees. There is no need to set up a separate Committee or Commission for the Extra Departmental Agents."*  
(Para 1.1 Chapter IX)
- 5.1.2: However, it is unfortunate that despite strong resentment and objections by the Staff Side over one year, the same was not taken in true spirit and GDS wage revision was not referred to the Sixth Pay Commission. The Staff Side has been driven to the wall either to accept or reject the Natarajamurthi Committee appointed for the consideration of GDS issues.
- 5.1.3: The Rajya Sabha Petition Committee, in its report presented on 14.05.79 observed that the ED Agency System renders very useful service to the country, inter alia observed that it was necessary that the ED Agents should be reasonably satisfied with service conditions and facilities available to them
- 5.1.4: The Standing Committee of the 10<sup>th</sup> Lok Sabha on Communications also stated that unless there is improvement in the services of those employees, efficiency in the postal service cannot be improved. It suggested that the problems of ED employees be met sympathetically at the earliest.
- 5.1.5: The apparent reason for joining the department as a GDS accepting lower wages is that the candidates are generally poor; they are needy and looking for a job, with the prospects and a hope that all of them will become Group 'D' or Postmen. The data collected by the Justice Talwar Committee shows that about 98 percent of the GDS of all categories put together took up the job expecting full time absorption in the department. Only 0.09 % joined the GDS System as a side occupation and, therefore, is not interested in future full-time absorption.
- 5.1.6: Justice Talwar observed that the system has to be made attractive and more enduring. A person who joins this system as an employee must be assured of minimum appropriate hours of work, corresponding remuneration for those minimum hours, gradual increase in emoluments and pensionary benefits.
- 5.1.7: Notwithstanding our claim for Departmentalisation of GDS and make them full time civil servants, we are endorsing the same to implement the suggestions as furnished below: -

- i) No ED Agent would be employed for less than five (5) hours of work per day.
- ii) ii) They may be permitted to work for a maximum of 8 hours as per workload with ½ hr lunch break
- iii) iii) Wages may be paid on a pro rata basis of payment (subject to a minimum of 5 hours) to corresponding whole time departmental employees, detailed as below :

S.No.	Nomenclature	Comparable category of departmental employee	Minimum pay for comparable category proposed by Postal Federations	Proposed Minimum for GDS(5hrs)	Proposed Maximum for GDS(8hrs)
(1)	(2)	(3)	(4)	(5)	(6)
1	GDS Branch Post Master	Postal Assistant	Rs.56,000 + 5% Annual Increment	Rs.35,000+5% Annual Increment	Rs.56,000+5% Annual Increment
2	GDS Mail Deliverer/ Stamp Vendor	Postman	Rs.46,000 + 5% Annual Increment	Rs.28,750+5% Annual Increment	Rs.46,000+5% Annual Increment
3	GDS Mail Carrier/ Packer/ Mail men	Multi Tasking Staff (MTS)	Rs.33,000 + 5% Annual Increment	Rs.20,625+5% Annual Increment	Rs.33,000+5% Annual Increment

- iv) The present nomenclature of "TRCA" (Time Related Continuity Allowance) should be dropped. The wage should be termed as "pay" which entitles all other allowances being granted to whole time departmental employees.
- (v) Increase the workload of the BO & GDS by fixing norms to various works and by the introduction of various new services and grant full time civil servant status.
- (vi) The above pay scales are subject to modification as and when Govt issues orders on 7<sup>th</sup> Pay Commission for pay scales of regular employees compared in the table above.

5.1.8: Ultimately, the possibility of grant of full time civil servant status to all GDS employees should be processed and be implemented within a time bound manner.

5.1.9: It is pertinent to mention that at the time of implementation of Natarajamurthy Committee the benefit of 50% DA merger had not been given. Sri Gopinath Committee recommended to sort out the issues and also recommended to grant 2% annual increase to GDS. The GDS are having perennial loss of wages from the date of implementation of Natarajamurthy Committee report.

5.1.10: In the existing GDS (Conduct & Engagement) Rules 2011, there is a clause which prohibits GDS working for more than five hours. This clause is inserted to deny the GDS full time Civil Servant status. Ministry of Labour vide their letter dated 11.09.96 intimated the Talwar Committee that there is no existing labour law which makes any difference between part-time and full-time workers and further that there is no provision prohibiting the ED Agents or part-time regular workers from working for a period beyond five hours. The Ministry of Law concurred with their opinion that there is no law which prohibits the GDS to work beyond five hours a day. (Chapter-III, para-6.9)

5.1.11: Justice Talwar Committee has observed inter alia: -

*"The policy of the Department of Post is that where the work of BPM increases beyond five hours, the post is converted into a departmental post and the post office into a departmental sub office. In the case of other categories of ED Agents, if their work increases beyond five hours, their posts are converted into departmental posts. Thus, all the ED Agents whose working hours increase beyond five hours have to lose their job on up gradation of the post".*

*"To strengthen the ED System, it is in the interest of the Department and the employees that the above restriction be no longer imposed. It is, therefore, recommended that the restriction of five hours of maximum work per day be removed".*

5.1.12: But to every one's dismay, the positive recommendations of the Justice Talwar mentioned in para supra has not been accepted and implemented by the Government. Irrespective of the workload, the restriction of five hours cap has been imposed on all ED employees resulting denial and deprivation of their dues.

5.1.13: The Ellington Commission, while recommending the pay scales to Government servants, had observed that the Government should pay their employees as much as to maintain them in such a degree of comfort and dignity as would shield them from temptation and keep them efficient for the term of their office. The same principle has been applied to GDS due to the recommendations of the Justice Talwar Committee.

5.1.14: Based on the recommendations of Justice Talwar Committee, pay scales with increments have been fixed for the GDS employees. But it is called as Time Related Continuity Allowance (TRCA) and 'future entitlement' and not as "pay" and "increment". The *pro rata* basis of pay scale prescribed to GDS employees comparing the whole time employees performing similar types of duties has not been practically implemented. Thus, there was erosion of wages in existence and the recommendations to grant prorata basis has not been implemented in true spirit. Further, due to non grant of 50% merger to GDS, there is an erosion of wages to the extent of Rs. 800 to Rs. 1000/- as on date and it will have the perennial effect. Sri Natarjamurthy Committee did not consider this aspect and

left as it is resulting in loss of emoluments to the GDS. This point shall be reviewed. Notwithstanding our demand of departmentalisation, it is requested that 100% pro rata wages (subject to minimum of 5 hours) shall be ensured and fixation shall be revised by granting point to point fixation to GDS.

5.1.15: In the recent past due to non-implementation of point to point fixation to the GDS, there is no higher difference between the GDS employed in 30 years back and GDS employees recently. The GDS shall be granted pay fixation considering their services rendered in the Dept by granting notional increment for service rendered completed in the past at the time of fixation of pay on implementation of GDS Committee report. This can only ensure fair deal to the senior GDS employees.

## **2. Date of Effect:**

5.2.1: The enhanced pay / perks should be based on the Govt's decision on the recommendations of the Seventh Central Pay Commission and the arrears should be paid based on the revisions to be given effect from the date of implementation of 7<sup>th</sup> CPC recommendations.

## **3. Weightage:**

5.3.1: The due Weightage has not been extended to the GDS while implementing the Talwar Committee recommendations and thereafter also resulting drawal of equal pay for new entrant and also seniors with even 30 years' service. This causes a great resentment. The length of service should be calculated in each case and due weightage should be given duly recognizing their past services. The Fixation formula shall be revised accordingly and the seniors shall be given due weightage.

5.3.2: The pay fixation to the existing GDS must be based on point to point fixation for which a matrix table may be prescribed. The GDS should not lose pay for their earlier service by way of increments.

## **4. Wages should not reduced.**

5.4.1: The provision of protection of allowances (TRCA) to GDS was introduced in 1970s and there are clear cut instructions that under any circumstances, the wages of the GDS should not be reduced. As the policy decision that the salary drawn by a Govt official should not be reduced under any circumstances, the provision was made as a security to this poor GDS. But the Department violated the settled law and issued orders to reduce the allowances of GDS whenever there is a fall in their workload. Recently, after the drastic and unrealistic cut in the norms, many GDS have lost their pay to the extent of Rs.1500 to Rs.1800 per month and they have lost more than 25% of their monthly income. When the issue was discussed with Hon'ble Minister of State for Communications & IT on

17.1.2012, the Hon'ble MoSC assured and directed the Secretary in person that there will be no reduction in the wages of the GDS. Whereas, in the orders released by the department (Lr. dated (15-10-2012), the protection of wages was extended only to one year. In no department, such wage reduction is taking place. This shall be rescinded. The wages should not be reduced under any circumstances.

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## **CHAPTER VI**

### **ALLOWANCES**

#### **1. DEARNESS ALLOWANCE**

6.1.1: The R.R. Savor committee in its recommendations under Para 9.51 observed inter alia: -

'Every time the Dearness Allowance for the regular employee undergoes a change, the calculations should be revised in the same manner as the initial wage are effective from the same day as in the case of regular employees. If such revision leads to payment of arrears to regular employees from a particular date, corresponding benefits should be extended to the ED Agents also effective from the same date, on the basis of the principle of proportions, enumerated in the chapter.'

6.1.2: Even though the above said recommendation was accepted and implemented in true spirit from 1986, the GDS employees are not granted 50% DA merger at the time of Fifth CPC. There is erosion of DA since then. Resultantly, as on date all the GDS have been deprived of at least Rs. 800/- per month, with effect from 01.01.2004 (i.e) prior to the implementation of Sixth CPC and it is being continued as Sri Natarajamurthy Committee has not set aside this irregularity and discrimination. This should be considered and settled by grant of point to point fixation to the GDS atleast this time.

6.1.3: The nomenclature of TRCA should be dispensed with and it should be termed as 'Pay' for all purposes. The 50% DA merger was denied because the pay has been called as Allowance, namely the Time related continuity Allowance.

#### **2. House Rent Allowance & Transport Allowance**

6.2.1: The demand of the staff unions to grant HRA and Transport Allowance to GDS employees proportionate to the rates of whole time employees of the department has been summarily rejected by R.R. Savor Committee with the following observations.

6.2.2: "The GDS employee should be a permanent resident of the place where he is employed as such and is not liable for transfer. Usually he lived in his own house. In view of this the question of grant of house rent allowance or city compensatory allowance for any GDS does not arise."

6.2.3: The reason stated in Para supra that they are permanent resident is nothing but a ruse to deny the dues. The observation that the GDS lives in his own house is far from truth. The denial of HRA/CCA is having no justified reasons.

- 6.2.4 According to revised recruitment rules of GDS, the GDS has to be taken residence at Post village only after the retirement and any one can apply for the vacant GDS posts. Thus the earlier recommendations shall not be applied in the present circumstances. A compensation for housing must be granted to GDS at par with other Postal employees.
- 6.2.5: Thus, the Justice Talwar committee has recommended that the ED Agents should be granted House Rent Allowance and city compensatory allowance on the same lines as applicable to the whole-time employees subject to the same conditions. The said recommendation has also been rejected at the time of implementation of the Committee report without any justification.
- 6.2.6: It is most pertinent to mention that as per the existing revised rules any one from any place can apply for GDS post at any place. In such event the GDS has to seek a house either for this office or residence as the case may be and thus incurring a huge expenditure.
- 6.2.7: It is most pertinent to mention here that HRA is granted to departmental employees even if they own a house at their place of work and hence the argument of Savor Committee will not hold water. It is the relief provided by the Government to the Government servants which cannot be denied to GDS alone.
- 6.2.8 Transport Allowance is the new concept after 5<sup>th</sup> CPC and now any one even having Quarters in the PO premise are entitled the Transport Allowed which is the part and Parcel of earlier CCA. It is nothing but compensation for the reimbursement of expenses on travelling.
- 6.2.9 The GDS need not take residence in the Post village. He has to live in the accounts jurisdiction of BO. Naturally, everyone is incurring expenses towards travelling. It is therefore requested that Transport Allowance may be granted to the GDS at proportionate rate at par with other Postal employees.
- 6.2.10 It is therefore suggested to review the earlier recommendations once again and grant HRA and also the transport Allowance to the GDS employees at par with whole time regular departmental employees.

### **3. Over Time- Allowance**

- 6.3.1: A large number of GDS mail carriers, GDS packers etc are quite often delayed at Bus Point, Railway Stations and also in Post offices for longer periods for exchange of mails or other works beyond their working hours and they are not being compensated with due over time Allowance for their detention beyond their duty periods.

- 6.3.2: The R.R. Savor Committee has rejected the request of the staff side on the plea that overtime allowance as a principle would not be desirable and no compensation is recommended for over time and idle time.
- 6.3.3: Based on the Committee's report which examined about grant of Compensation to ED Agents for detention beyond duty hours for exchanging mails, the Dept of posts vide its letter No. 17-181/94-ED &Trg. Dt. 29.10.96 decided that ED MCs who are detained beyond the prescribed duty hours may be fully compensated by way of payment of detention compensation of Rs. 3/- per hour as follows: -
- a) up to 30 minutes - Nil
  - b) up to 31 mts to 90 mts - 1 hour
  - c) 91 minutes & above - 2 hours.
- 6.3.4: The above was subject to the conditions that the compensation so paid would be restricted to a maximum of two hours per day. Then the claim for payment of detention compensation would be approved by the divisional head after due verification.
- 6.3.5: The Justice Talwar Committee in its report states that the rates prescribed by the department for detention compensation appears to be much less and recommends that the Govt. should increase these rates. It was further clarified that the compensation should be paid not only to the EDMCs but also to all other categories entrusted with the work of exchange of mails.
- 6.3.6: The said recommendation was not considered and the old rate of Rs 3/- to Rs. 6/- has been revised as Rs. 6 &Rs. 12 for 1 hour and two hours respectively as per Sri Natarajamurthy recommendations. The compensation is very meager and will not sufficient to meet the incidental expenses during the idle wait for exchange of mails. The compensation should commensurate with the hourly rate of wages at least.
- 6.3.7: The Justice Talwar Committee further observed that "in case of emergency ED Agents are utilised for conveyance of mails from Sub office to Branch office or from Head office to other offices or vice versa and they are being paid only the actual conveyance charges. No compensation is being given for working beyond duty hours. It is recommended that such ED Agents should be suitably compensated for working beyond their duty hours on the likes of whole time employees."
- "The Committee broadly recommends that the EDAs, like the whole-time employees, should be suitably compensated whenever they are brought on duty beyond working hours and by and large the same conditions should be made applicable to them as in the case of whole time departmental employees."*
- 6.3.8: It is most unfortunate that the said recommendation has not been considered favourably. As on date, no proper compensation is being paid to the GDS employees for the excess work hours they are performing. In many occasions they are being

entrusted for cash conveyance after their duty hours for which risky job no compensation is paid. The earlier provision of Rs. 10/- plus actual conveyance fare reimbursement has been revised with a ceiling of Rs. 50/- per month instead of Rs. 50/- per occasion as recommended by Sri Natarajamurthy Committee. This anomaly has not been resolved yet. The GDS are incurring their own money for clearance of excess cash and convey the cash to AOs etc. A sum of Rs.100/- shall be paid on each occasion as incentive plus actual conveyance.

- 6.3.9: The GDS employees are brought on Sundays and holidays for imparting training on various programs like RPLI etc. and the compensation now fixed is very meager which includes the conveyance & lodging. Only Rs. 100/- per occasion per day is being granted. The compensation shall be equal to the extent of at least one day salary being paid to them.
- 6.3.10: Whenever a GDS is called on duty or training on a holiday or a weekly off day, he must be paid compensation equal to double the wages per day for performing duty on that day. The amount of compensation should be calculated on the same principles as are applicable to corresponding departmental staff.

#### **4. Travelling Allowance/ Daily Allowance**

- 6.4.1: The Dept of Posts forwarded to Justice Talwar Committee for examination on the issue whether a delinquent ED Agent be paid TA/DA for attending the inquiry to defend his case.
- 6.4.2: The Committee has observed that a suspended public servant is paid TA/DA for attending inquiry at station outside his normal place of work to compensate him for the normal expenses he is expected to incur for this purpose. For the same reasons, ED Agents have to be entitled to get TA/DA. Any other ED Agents, who is summoned as witness to attend an inquiry, is also entitled to be paid these allowances.
- 6.4.3: The Justice Talwar committee has arrived the conclusion that in the event of transfer of ED Agent in the interest of service, an ED Agent shall be given all the transfer benefits as prescribed for a regular departmental employee. This has not been implemented.
- 6.4.4: We request that the above said recommendations may please be considered in true spirit.
- 6.4.5: There are several seasonal post offices in Himalayan Valley, which are kept open for 6-7 months, and the remaining period in other places. The officials working in those post offices should be granted with TA/DA with transfer grant on every occasions to shift the Post offices.
- 6.4.6: BPMS are entitled Rs.10/- plus reimbursement of actual fare for cash remittance vide DG letter No. 62-90/87/ CI dt. 21.1.88 which has been modified as Rs. 50/- per

month that is irrational and nothing but exploitation. They should be granted with actual TA/DA. Prior to 1964, the GDS are entitled TA/DA for the journey related in the interested of service.

## **5. Split Duty Allowance**

6.5.1: R.R. Savor Committee recommended the extension of split duty allowance as applicable to Departmental employees to the ED Agents also. But, the Dept has rejected this recommendation of the R.R Savor Committee arbitrarily vide its letter No 6-52/87-PE II Dt. 4.11.88. The Justice Talwar committee has also recommended the same for the time gap of 1- 1½hours, but the same is also not implemented. This is quite an injustice caused to these officials. Split Duty Allowance at par with departmental employees may please be recommended.

## **6. Children Education Allowance**

6.6.1: Imparting education and liberalized grant are the two vital aspects in the society and the Government has introduced the scheme much earlier to its servants. This has not been considered for the GDS yet. The Children Education Allowance shall also be granted to GDS. In the absence of Children Education Assistance, these employees are struggling very much to impart education to their children in good schools. It is therefore requested that the Children Education Allowance may please be introduced with other regular employees.

## **7. Boat Allowance**

6.7.1: The GDSMD/MM is being drawn Rs. 50/- per month as Boat Allowance. This should be enhanced commensurate with the expenses for this purpose. Similarly, the officials working in the desert area in Rajasthan should also be granted with conveyance allowance and cost of water bottles, etc. These are the social welfare schemes which have been neglected years together. Atleast the expenses incurred by the GDS shall be fully reimbursed in this regard.

## **8. Special Duty Allowance**

6.8.1: The Special duty Allowance being paid to regular employee in the N.E. Circle, Assam should be extended to GDS also at par with regular employee. In short, all Special Allowances drawn to regular employees should be extended to GDS. The Tribal Area allowance (Remote area allowance) should also be extended proportionately to the GDS employees at par with regular Postal employees.

## **9. Revival of Uttarakhand Allowance**

6.9.1: The allowance which was paid to the GDS working in Uttarakhand Circle considering their arduous nature and living conditions has been withdrawn fifteen years back. There is no improvement in their living conditions and they have to

incur more expenditure for their livelihood in such hill areas. It is therefore requested to revive the Uttarakhand Allowance and a minimum of Rs. 1,000/- per month may please be paid to the GDS working in these areas.

## **10. Grant of Remote Area Allowance**

6.10.1: The GDS deployed in remote areas shall be paid compensation as if available to regular departmental staff in such areas. Non drawal of such allowance is highly discriminated one. Allowances are being granted only as compensation to meet out the situations. It shall not be discriminated and the GDS shall not be denied their dues. The same may please be considered.

## **11. Grant of Naxalite Threat Area Allowance**

6.11.1: Many State Governments have changed the Hill Compensatory Allowance / Tribal Area Allowance nomenclature as 'Naxalite threat Area Allowance' and it is being paid in Maharashtra, Chattisgarh Circles. The same has not been paid to the Government employees due to change of nomenclature. There is a demand for grant of such allowance to regular departmental officials. In the event of consideration of the same to the departmental employees, the same may be paid to the GDS serving there in the affected areas as 'Special Compensatory Allowance'.

## **12. Miscellaneous Allowances**

6.12.1: There was a demand placed before the R.R. Savor Committee to grant other allowances like bad climate Allowance, Winter Allowance, Project Allowance to the ED employees as granted to regular employees but R.R Savor Committee after examining the whole issues observed inter alia:-

"These Allowances for bad Climate, winter and Project areas are of special nature in as much as they are given to enable the Central Govt. employees to meet hardship either of climate or area. They constitute a distinct addition to emoluments for performing a work in a difficult condition. It is felt that ED Agents working in similar areas are equally affected by those considerations on which the allowances are given. **It is therefore recommended that allowances like bad climate allowance, winter allowance and project allowance may be extended to ED Agents, the Quantum of allowance being determined according to the proportion which their emoluments bear to the emoluments of comparable categories of govt. servants.**"

6.12.2 However, the said recommendation has not been considered favourably yet. This has been rejected summarily without any valid reasons.

6.12.3: The justice Talwar committee in its report has also obtained similar to R.R Savor committee which reads as follows: -

*“ED Agents, like the whole time departmental employees, are also subject to the vagaries of nature and are subject to similar hardships if the whole time employees, who continue to stay in such a place for years, are entitled to remote locality, hill compensatory border allowance etc, there is no reason to deny such compensatory allowances to ED Agents on the ground that they are locals. This committee therefore recommends that the ED Agents should be granted the various types of compensatory allowances subject to the same conditions as are applicable to the whole-time employees.”*

6.12.4: This recommendation has also not been considered favorably. GDS are also subjected to the nature and similar hardships as experienced by the departmental employees. The discrimination prevailing on this nature's issue is deplorable and to be put to an end. We suggest that suitable recommendations may please be made on this issue for rendering justice to the discriminated downtrodden employees of the department of posts.

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## **CHAPTER VII**

### **WELFARE**

#### **1. Medical attendance facilities**

- 7.1.1: In the past, there were several suggestions put forth by the staff side to extend medical facilities to the GDS employees. The Petition Committee of the Rajya Sabha has recommended in 1979 that Medical facilities and children's education facilities should be provided as available to the regular employees. The recommendation has been summarily rejected by the Govt on the plea that provision of such facilities would impose a very heavy financial liability running into crores of rupees.
- 7.1.2: The R.R. Savor committee has also relied upon on the recommendations of Major C. V. Rajan & Madan Kishore Committee in summarily rejecting the demands of the Staff Side on extending medical facilities to the GDS employees.
- 7.1.3: The Department of Posts vide its order No. 21-15/92-ED&Trg. dt 3.8.94 exhibited the stand of the Govt. that medical facilities are not available in rural, backward and remote areas and, therefore, it is not possible to provide such facilities to them.
- 7.1.4: The Justice Talwar committee, while mentioning the same, observed that "keeping in view the limitation of the infrastructure, this committee recommends that the Government ought to examine the feasibility of giving a reasonable fixed lump sum amount per month as a medical allowance to the ED Agents in Rural areas. The recommendation of the Fifth Central Pay Commission on the subject may also be taken into account."
- 7.1.5: It further recommended granting full benefits to the ED Agents and their family members in cases of indoor treatment (i.e.) hospitalization. And ED Agents working in the urban and semi urban areas may be given the same medical facilities as in the case of whole-time departmental employee.
- 7.1.6: The Govt has not accepted the above said recommendation and the GDS employees are not provided with any medical facilities.
- 7.1.7: The Sri Nataraja Murthy Committee has recommended to provide medical insurance scheme which has not yet been implemented. There is no tangible action and decision in extending medical facilities to the GDS employee. The Government, as a model employer shall provide medical facilities to its employees as adumbrated in the Union Constitution.
- 7.1.8: It is therefore suggested to recommend Medical reimbursement facilities at par with whole time regular employees to the ED Agents working in rural areas for outpatient treatment and in the event of taking in-patient treatment the cost of

medical treatment may be reimbursed like regular employees and the issue of reimbursement of medical expenses shall be ensured at par with regular departmental employees. All the above suggestions are submitted notwithstanding our main plea that the GDS shall be declared as holders of civil post and all the concessions, facilities and welfare measures as available to Civil Post shall be extended to the GDS.

## 2. Funeral Expenses

7.2.1 The dependents of GDS shall be granted a sum of Rs. 10,000/- as funeral expenses while died in service in order to perform the last rites. It may be provided from the Government exchequer instead of from the welfare fund.

## 3. Circle Welfare Fund scheme

7.3.1: Recently a new Scheme in the name of GDS Circle Welfare Fund Scheme has been introduced by the Department. Our demand is to implement all the welfare benefits of regular departmental employees has to be extended to GDS also. However, the present GDSCWF scheme needs further improvement with regard to the present financial conditions of the society either in rural or urban areas in respect of GDS.

We proposed the following improvements in the Scheme as detailed below:

7.3.2: Subscription @ Rs.50- per month.

7.3.3: Financial Assistance items :

Sl.No.	Details	Financial Assistance (existing)	Proposed
1.	Financial Assistance to families of deceased GDSs to meet immediate expenses following death, irrespective of whether death occurs during duty / outside duty hours	Rs.10,000-	Rs.22,500-
2	Death due to terrorist activity / dacoity while on duty	Rs.1,50,000-	Rs.3,40,000-
3	Financial assistance in case of death of GDSs due to riots, attack by robbers & terrorists while not on duty.	Rs.12,000-	Rs. 3,40,000
4	Financial Assistance in case of death of GDSs while being on duty due to accident	Rs.25,000-	Rs.1,00,000-
5	Funeral expenses on death of GDS (payable in cases in which last rites of deceased GDS are performed by brothers or sisters or near relatives in the absence of any other next of kin)	Rs.5,000-	Rs.22,500-

6	Financial Assistance in case of major surgical operations in ailments, like Cancer, brain hemorrhage, kidney failure / transplant, heart surgery etc.,	Rs.20,000-	Full amount incurred
7	Financial Assistance in case of accident of GDS while being on duty requiring hospitalization for more than three days.	Rs.5,000-	Rs.15,000-
8	Financial Assistance for nutritional diet to GDS suffering from TB (only once for a maximum period of six months, provided the GDS has put in at least six years of service & treatment is taken in Govt. hospital	Indore treatment- Rs.400- p.m Outdoor treatment- Rs.200- p.m	Indore treatment- Rs.1000- p.m Outdoor treatment- Rs.500- p.m
9	Grant of scholarship under educational schemes to the children of GDS (as per existing terms & conditions)	<u>IIT, AIIMS &amp; IIM =</u> Rs.1,000- p.m <u>Technical Education</u> Degree = Rs.280-p.m Diploma=Rs.190-p.m <u>Non-Technical Degree</u> BA/BSc/BCom/Degree in Fine Arts = Rs.150- p.m ITI certificate course = Rs.940- p.a	<u>IIT, AIIMS &amp; IIM =</u> Rs.10,000- p.m <u>Technical Education</u> Degree = Rs.500-p.m Diploma=Rs.300-p.m <u>Non-Technical Degree</u> BA/BSc/BCom/Degree in Fine Arts = Rs.1500- p.m ITI certificate course = Rs.10,000- p.a
10	Incentive for excellence in academic achievement for 10 <sup>th</sup> & 12 <sup>th</sup> class	position in Circle/Region 1 <sup>st</sup> Position = Rs,10000- 2 <sup>nd</sup> Position=Rs.8000- 3 <sup>rd</sup> Position=Rs.7000- 4 <sup>th</sup> Position=Rs.6000- 5 <sup>th</sup> Position = Rs.5000-	position in Circle/Region 1 <sup>st</sup> Position = Rs.15,000- 2 <sup>nd</sup> Position=Rs.12,000- 3 <sup>rd</sup> Position=Rs.10,000- 4 <sup>th</sup> Position=Rs.8,000- 5 <sup>th</sup> Position = Rs.7,000-
11	Scholarship for physically handicapped children of GDS (for maximum 8 years & as per the existing terms & conditions)	Rs.200- p.m	Rs.1000-
12	Maternity Grant to woman GDS	Equivalent to three months TRCA with DA for the birth up to two children only.	Equivalent to six months pay plus DA for the birth up to two children from General Fund and not from CWF
13	Financial assistance in case of natural calamities like fire, floods etc.,	Rs.5000-	Rs.50,000-

#### 7.3.4: Repayable loan.

S.No	Details	Existing	Proposed
(i)	For construction of one room with flush	Rs.50,000-	Rs.2,00,000-

	toilet facilities for housing the Branch Post Office		
(ii)	For purchase of Computer / Laptop to encourage computer literacy amongst GDS	Rs.20,000-	Rs. 50,000-
(iii)	For purchase of moped / scooter / motor cycle which will also facilitate travel while discharging duty like exchange of BO Bag, visit to Account office etc.,	Rs.20,000-	Rs.60,000-

7.3.5: The rate of interest on Repayable Loan may be reduced from 5% to 3% and the surety condition should be deleted.

7.3.6: One time payment at the time of retirement:

	Details	Existing	Proposed
(i)	Less than 5 years	No amount payable	Rs.5,000-
(ii)	5 years from the date of start of contribution	Rs.1000-	Rs.10,000-
(iii)	10 years from the date of start of contribution	Rs.2000-	Rs.20,000-
(iv)	15 years from the date of start of contribution	Rs.3000-	Rs.30,000-
(v)	20 years from the date of start of contribution	Rs.4500-	Rs.40,000-
(vi)	25 years from the date of start of contribution	Rs.5500-	Rs.50,000-
(vii)	30 years from the date of start of contribution	Rs.6500-	Rs.60,000-
(viii)	35 years from the date of start of contribution	Rs.8000-	Rs.80,000-
(ix)	40 years from the date of start of contribution	Rs.9000-	Rs.1,00,000-
(x)	More than 45 years from the date of start of contribution	Rs.11,000-	Rs.1,50,000-

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## CHAPTER VIII

### LEAVE

#### 1. LEAVE

8.1.1: The Justice Talwar Committee has recommended the following kinds of leave for ED Agents: -

- (i) Earned Leave: One Day's E.L. for each completed calendar month of service.
- (ii) Half Pay Leave: 8 days half pay leave in a year.
- (iii) Commuted Leave: Half the amounts of the half pay leave due to be granted on medical certificate.
- (iv) Leave without Pay: The leave of 180 days at a stretch has been reduced to 60 days in a year.
- (v) Casual leave: 5 days casual leave in a year.
- (vi) Maternity Leave: It has been recommended that female ED Agents be granted the same maternity leave as applicable in the case of full- time female employees of the Govt. of India as per CCS (Leaves) Rules 1972.

8.1.2: Further the committee has recommended to encash the leave at credit that the same principle may be applied to ED agents as in the case of whole time departmental employees.

8.1.3: Whereas, the Govt has granted only 10 days paid leave for a half yearly period and rejected all the recommendations. The carry forward of unutilised leave has not been granted. GDS shall also be granted the facility to accumulate the unutilized leave available similar to the departmental employees.

8.1.4: We demand to extend all leave facilities at par with departmental employees. The encashment of leave salary should be extended to GDS officials at the time of retirement, resignations etc. The facility of commuting the leave should be granted on medical certificate to the GDS.

8.1.5: The present rules that the GDS officials availing more than 180 days leave are being proceeded under disciplinary action which is against to the principle of Article 311 of the Constitution and arbitrary. This draconian rule should be removed.

8.1.6: The GDS employees should be granted study leave to acquire a better education on the similar line applicable to whole time departmental employees.

8.1.7: The women GDS shall be granted Maternity leave, Child Care leave, Child Adoption Leave etc. as these are all the welfare measures extended to women employees; denial of such social obligations is nothing but tantamount to the denial of rights provided in the Constitution as the Welfare State and welfare of women employees.

8.1.8 The GDS must be granted special casual leave for attending union meetings at par with regular employees. This is the concession granted to union which should be extended to GDS unions also.

## **2. Calculation of 180 days Leave**

8.2.1: As per the existing system, only 20days Paid Leave is granted to GDS and excess leave required can only be taken as "Leave Without Allowance" (LWA). Hence the termination of GDS on availing of leave in excess of 180 days, that too without allowances is a great injustice against the natural law and human rights.

8.2.2: It is most unfortunate that calculation of 180 days of leave, the intervening Sundays & holidays are also taken into account, which is against the spirit of the DG's instructions in letter No. 43/15/65- Pen dated. 7.6.68 according to which, the authorized leave is a period during which, with the approval of the appointing authority, a GDS is permitted not to attend personally to the duties assigned to him." These retrograde provisions of 180 days shall be dispensed with.

## **3. Maternity Leave for Female GDS employees:**

8.3.1: The Department vide its letter No. 19-5/96-ED &Trgdt 18.6.96 referred to Talwar Committee to consider about the grant of maternity leave to female ED Agents as per the directions of the Central Administrative Tribunal, Ernakulam Branch in OA Nos. 1116/93& 584/95. Justice Talwar observed that "By way of comparison, it may be noted that under Maternity Benefit Act of 1971, all women employed, whether directly or through any agency, for wages in any establishment, have a right to avail of maternity leave and other maternity benefits. The Act does not differentiate between a whole time regular employee ora part time regular employee of the establishment. Therefore, it is recommended that maternity leave as applicable in the case of full time female employees of the Government of India as per the CCS (Leave) rules 1972 be granted to the female E.D. Agents". However, this has not been implemented. We request this should be implemented.

8.3.2: Sri Nataraja Murthy Committee has extended maternity grant for three months, which will be paid only from the Circle Welfare Fund, which is the accumulations of subscriptions being paid by each and every employee for the welfare of the staff. Thus the maternity grant of 90 days granted to GDS is not from the regular wages fund. This shall be revised. The women GDS shall be granted maternity leave of 180 days at par with regular employees and the payment shall be made from the Government under salary head and not from the Circle Welfare Fund which is being accumulated from the staff for their welfare like the grant of financial assistance for prolonged illness, Scholarship, Award, Sports activities etc. They may also be granted Child Care Leave, Child Adoption Leave etc., at par with regular departmental employees.

#### **4. Special Disability Leave**

8.4.1: The Special Disability Leave granted for the whole time Govt. employee should be extended to the GDS employees also. The SDL should also be granted for the days of treatment due to dog bite/snake bite etc. to the GDS as in the case of Postman staff.

## **CHAPTER- IX**

### **SOCIAL SECURITY SCHEME**

#### **1. The Existing**

9.1.1: The ED employees are now granted only Ex- gratia Gratuity on completion of 10 years of continuous satisfactory service. A Social Security Scheme called' Extra Departmental Agents Group insurance scheme from 1992 wholly on contributory and self-financing basis has been introduced and the scheme is applicable only to those employees who would not cross 50 years of age as on 1.4.1992. In lieu of pensionary benefits, a scheme of severance amount on retirement has been introduced after the implementation of Justice Talwar Committee. This has been subsequently modified as SDB scheme (Service Discharge benefit Scheme) by remitting Rs. 200/- per month by the Department for pension Fund as if available under New Pension Scheme.

9.1.2: The above schemes are partially beneficial to the GDS employees. The real Social Security Schemes like pension, Family Pension, DCRG etc. as applicable to the departmental employees have not been implemented to these categories of GDS employees despite they have been recommended by Justice Talwar Committee as well as various Judicial announcements.

#### **2. R.R. Savor on Social Security Scheme**

9.2.1: The demands of Pension and family Pension benefits were considered by all the Committees' appointment for the ED welfare. The R.R. Savor Committee admitted the absence of any Social security scheme to ED employees. The following is noteworthy of its recommendations:

*"It has to be admitted that the ED Agents have no worthwhile social security support to depend upon in old age or for their families in the event of their death while in service. As early as in 1952 the Govt. enacted legislation providing post retirement social security benefits by the enactment of the Employees Provident Fund Act, which was later amended to extend the provision of family pension as well. It is appropriate that same scheme in the nature of social security as provided for in the Employees Provident Fund and Family pension Act is made available to ED Agents."*

9.2.2: However, while concluding the recommendation, the committee stated inter alia: It is observed that even though ED Agents do not have any social security benefits except that of gratuity and a scheme of contributory provident fund has already been recommended, it is not necessary to suggest pension as an additional benefit. Grant of pension to ED Agents is therefore not recommended."

### **3. Even unorganized Labour entitles Pension**

- 9.3.1: There is no proper social security scheme available to the GDS employees. It is most pertinent to mention that many State Governments are providing social security schemes to the common man who has not at all served in any Governmental organization. The employees of unorganized sector are provided with death benefits besides payment of Employees Family Pension.
- 9.3.2: Apart from all the above and similar benefits available in some of the states, most of the State Governments are paying 'old age pension' of Rs. 1000/- per month to those who have no means of support for their livelihood at their old age.
- 9.3.3: Besides denial of many State Govt.'s benefits like old age pension, disabled pension, rational cards, house sites, medical schemes, agricultural loans, housing loans etc. is the common feature for the GDS, as they are being considered as Central Govt. Employees.
- 9.3.4: When such is the case in respect of employees of unorganized sectors and common man, the poor GDS employees after serving the Department for nearly four decades are left in the lurch at the fag end of his life.. Even they have not been paid the old age pension as they are the retirees of Postal Department.
- 9.3.5: In order to recognize their services, besides other retirement benefits, a continuous payment of Pension / Family pension after their death will become a solace to their sufferings during the service in the department and left with no energy to seek any livelihood for their survival after their retirement. At least a minimum pension proportionate to regular employees plus DA must be ensured to the GDS.

### **4. The pension is not an Alm or at the mercy of the Employer**

- 9.4.1: But to every one's dismay, the Dept of Post vide its letter No. 21-15/92-ED &Trgdt 3.8.94 intimated that the ED Agents do not come within the purview of CCS Pension Rules 1972 as they fall within the exempted categories of employees given in section 2 of those rules. The following is the excerpts of Para 2 of the said order:

*"It will be observed from the above that the EDAs are excluded from the provisions of Central Services (Pen) Rules, 1972. Besides a sizeable majority of them also work only for 5 hours per day on a part time basis and it would not be possible to justify payment of any pension to EDAs of this Department. Moreover, the payment of monthly pension to EDAs would involve voluminous work on maintenance of service records of the EDAs, etc., which would unnecessarily throw up an additional workload and creation of additional posts to cope with the same, will become unavoidable. The very nature of the work of these EDAs, therefore, does not justify granting of pension and pensionary benefits, etc. having financial implications running into hundreds of crores of rupees per annum for which neither the resources are available at present nor is there any scope of generating the same in the near future. Hence, after due consideration, this demand could also be found to be untenable and cannot be*

*conceded in view of the heavy financial implications and other relevant considerations".*

- 9.4.2: The Department of Posts in their affidavits filed in reply to the petitions before various courts have emphasized that those employees are in fact Agents and accordingly pleaded that; " they are a class apart, they cannot be compared to the regular civil servants, they are part time workers and are allowed to pursue other avocation during their leisure time and that the allowance they get is meant to supplement their income from the other source and therefore, they cannot be compared with full time Govt employees of the Central Govt for grant of pension."
- 9.4.3: Thus the contention of the Dept of post was that ED Agents are not entitled to pension. Merely for maintenance of records the denial of Pension etc is nothing but a farce and not at all acceptable. GDS cannot be class within the class of the Central Government employees as they are being extracted work by the Government in the principle of Master and Servant. They cannot be termed as part time employees as per the law of the land; and it is no more that they are working with another avocation in their leisure time and it is their main livelihood now a days. This is nothing but a ruse to deny the dues to the downtrodden ED employees by citing capacity to pay & voluminous work to be performed while granting pension.
- 9.4.4: The Fourth Central Pay Commission, which has been entrusted first time for examination of pension under social security aspect enunciated the principle for grant of Pensionary benefits in accordance with the constitutional goals of setting up a socialist state as declared by the Apex Court in D.S. Nakara Vs. Union of India (AIR 1983 S.C. 130).
- 9.4.5: While holding that the pension is not in the nature of alms being doled out to beggars and that pension is 'statutory', inalienable, legally enforceable right", the Fifth Central Pay Commission set the goals of pension scheme as per the law in Nakara's case in paragraphs 127.3 and 127.4 Those are:

"127.3-Pension is an area where clarity of vision is often obscured by ill-considered notions. However, the Supreme Court has, in the landmark judgment of D.S. Nakara and other Vs. Union of India (AIR 1983 SC 130) clarified all the issues connected to Pension. While examining the Goals that a pension scheme should seek to sub serve, the Apex Court held that:

'A Pension scheme consistent with available resources must provide that the pensioners would be able to live:

- (i) free from want, with decency, independence and self- respect, and
- (ii) at a standard equivalent at the pre-retirement level

"127-4: - The Court felt that as determining the minimum amount required for living decently was difficult, selecting the percentage representing the proper ratio

between earnings and the retirement income was harder. We owe it to the pensioners that they live, nor merely exist."

## **5. Justice Talwar on Pension to GDS**

9.5.1: The Justice Talwar Committee after examining the above, arrived at the conclusion on grant of pension in the following paras: -

"Apart from the applicability of the Rule 2 of pension Rules to the ED Agents and the assurances contained in the Directive Principles of State policy of security in old age, another facet of the issue which has to be kept in mind is the strengthening of the extra departmental system by attracting a better type of employee and to improve his working morale".

9.5.2: The numerical strength of the employees in this system is more than the whole time departmental employees. The number of Post offices manned by them is about 1,29,000 where as the number of departmental sub offices is only 24,884, The network served by the E.D. Agents is more than 90% of the total network and they provide postal services to more than 70% of the population in the rural and semi urban areas. They are the ones who assure daily delivery in the remotest far-flung areas and collection of mails from those areas. From the statistics collected it appears that such a vast network does not exist in any other country of the world.

9.5.3: One of the Hon'ble Members of Parliament in his comments on the performance of Extra Departmental system has remarked that .... "after independence, it is one of our unsung achievement that this service has been extended, and successfully to the whole of the country. This achievement was possible only because of the employees working in the Extra Departmental system. The State is duty bound to look after the morale of this task force of over 3 lakhs and cannot get away by simply giving a maximum of Rs 6000/- gratuity as charity though many of the ED Agents have given their entire life to this organisation. Examining the Question from any angle, Extra Departmental Agents deserve the grant of pension not only because of the social obligation of the State but also because Rule 2 of the Pension Rules is applicable in their case."

## **6. Our submission on Pension**

9.6.1: The following views may please be taken into consideration while deciding the issue on the grant of pension.

- (i) Prohibiting grant of pension to GDS tantamount to class legislation, which is not permitted in law.
- (ii) It is arbitrary and discriminatory as the sole object to be achieved by framing such rule is to deprive the GDS from Pensionary benefits.
- (iii) By granting pension to GDS that burden would increase, but on that ground the right accrued to the ED Agents by law cannot be denied to them.

- (iv) The Govt. being the model employer has to bear this burden just as they are doing it in the case of other 37 lakhs regular Govt employees.
- (v) The administrative difficulties pointed out in the Directorate order regarding the maintenance of service books and other records can be overcome by the effective utilisation of computers in the Head Post offices. As such the constraints pointed out in the Dept. letter are thus not tenable and no more in the present computer environment in the Department.
- (vi) The Central Provident Fund Commissioner replied to the Committee on 12.9.06 that the Act and the scheme provisions do not make any distinction in its applicability position between full- time and part-time employees.
- (vii) It was further clarified in the letter-cited para supra that the Dept of Post, being a Govt department remained outside the purview of the EPF and Miscellaneous Provision ACT, 1952. However, the provisions under section 1(4) of the Act permit coverage of such establishment under the provision of the Act and the Scheme framed there under on a voluntary basis with the consent of the majority of its employees.

9.6.2: Under these circumstances as narrated above, the GDS are entitled for the grant of pension and it is therefore requested to extend the Pension scheme to the GDS at par with regular Govt. employees with all consequential benefits and entitlements.

## **7. Retirement / Death Gratuity**

9.7.1: Justice Talwar Committee recommended that the ED Agents should be granted retirement gratuity on the same principle as in the case of whole-time departmental employees. It is further observed that 'Gratuity is an entitlement of the ED employees and therefore, the word 'ex gratia' pre fixed to the gratuity may be deleted as it is their right and not gratis.

9.7.2: The recommendations have not been considered favourably. The discrimination should be ended. **Further the High Court, Chandigarh held in the case of Sham Dulhari& Others Vs. Supdt. of Post Offices (CWPN0.7576/2006 dated 18-05-2006) that the GDS are entitled Gratuity as per the Gratuity Act and it is most apt to mention that the SLP filed against this order has been dismissed by the Hon'ble Supreme Court.** The GDS shall be brought under the Gratuity Act, which will alone render natural justice to these poor plighted exploited categories.

## **8. Family Pension**

9.8.1: Justice Talwar Committee recommended that family of Extra Departmental Agents should be entitled to the family pension at enhanced rates and the various rules relating to the definition of the family, family pension to widow, divorced daughter,

family pension on re-marriage etc. Family pension to parents may also be made applicable to them.

- 9.8.2: The recommendation was not considered fully. Instead of pension/ family pension, a scheme called grant of 'Severance Amount' has been introduced by the dept with conditions.
- 9.8.3: We are totally recording our resentment over the scheme. The word 'severe' contained in the nomenclature is itself the symbol of exploitation of GDS employees. The scheme of Severance Amount should be dispensed with and pensions/ family pension as stipulated to Govt servants should be extended to GDS employees.
- 9.8.4: Similarly, under the provisions of Gratuity Act, 1972 GDS should get the benefits of Statutory Gratuity and the existing one is against to the provisions of the Gratuity Act 1972. The Hon'ble Supreme Court also held and declared that full benefit of Gratuity would be given to GDS under the State's Act.
- 9.8.5: After the Sri Nataraja Murthy report, a new scheme of SDBP is introduced in which the Government will pay Rs. 200/- PM to GDS and the savings will be treated as pension Fund. This scheme is nothing but arbitrary and will not guarantee any minimum pension/family pension. This scheme cannot be equated with the pension scheme and this is nothing but shedding crocodile tears against the GDS in order to solace him with unguaranteed benefit scheme. At least 10% of pay shall be recovered from GDS and 20% of pay shall be credited by Government as a welfare measure of pension under the SDB Scheme. This may please be considered.

## **9 Commutation of Pension**

- 9.9.1: Justice Talwar Committee recommended that ED Agents should also be given the facility of commutation of pension as admissible to whole-time Central govt employees. This should also be reconsidered and recommended while recommending the pension and retirement benefits at par with whole time employees. There was no mention on this point by the next Committee i.e., Sri Natarajmurthy Committee. This is a social obligation and this shall be considered in true spirit.

## **10. Group Insurance Scheme**

- 9.10.1:A contributory Group Insurance Scheme has been introduced for ED employees from 1.1.87 and 10/- has been collected as a premium with the insurance coverage of Rs.10000/- only. After Natarajamurthy committee it has been enhanced to Rs. 50/- as premium for the insurance coverage of Rs. 50000/-
- 9.10.2:It is suggested that the scheme should be widened with an insurance Coverage of 2,00,000 with the monthly subscription of Rs.100/-. The savings Fund should also be reviewed under the present rates. It is further reported that 50% of the subscription may be borne by the department.

## **CHAPTER X**

### **APPOINTMENT & PROMOTIONS**

#### **1. Appointments**

10.1.1: Since we are advocating for the freezing of GDS System at its present stage and departmentalise the posts, we do not elaborate about the GDS appointments more. At the outset, we request the GDS Committee not to term the GDS appointments as engagements and the *status quo ante* ie. nomenclature of appointment shall be restored. The CCS (Conduct) Rules 1964 at CCS (CCA) Rules 1965 may be applied in case of GDS also.

10.1.2: However, notwithstanding our claim of Departmentalization of GDS, and freezing of GDS system. We suggest the following: -

(i) As the department launches computerization of BOs to the extent of 100% during the current year, we require more personnel possessing good qualification to man the BOs. Hence plus two Qualifications may be fixed as minimum qualification for Branch Postmasters.

(ii) The candidate who possess computer knowledge, be given special pay after their appointment of BPM and also to the present incumbents.

(iii) Similarly the minimum qualification for GDS MD & other categories shall be as matriculation.

(iv) There is no need to change the present minimum age limit of 18 years and fix the maximum age limit of 40 years for the appointment of GDS.

(v) The condition of possessing other avocation should be removed.

(vi) The present mode of recruitment on merit basis should be continued.

(vii) Condition of residence in the delivery area of the office of working be removed.

10.1.3: We are of the firm opinion that the existing GDS could be departmentalised only if the total freezing of GDS System is ensured. The departmentalization of GDS system is possible, which was dealt in another chapter.

#### **2. Promotion**

10.2.1: According to the promotional avenues available in the Dept. all posts of Group D were filled by GDS on a seniority basis, without any examination.

- 10.2.2: The Revised Recruitment Rules, 2012 curtailed the opportunity of the seniority-cum- selection from the GDS to Postman and vacant unfilled posts after the selection through departmental examination from GDS & MTS would be thrown into an open market which is unjust and against the stand adhered over five decades. Similarly, the vacant unfilled posts of MTS (25%) offered to the open market is also much discouraging for the senior GDS officials for their selection under a seniority-cum-selection provision. The provision of 50% seniority cum selection has been totally snatched away. The promotions to MTS and Postmen from the GDS cadre are treated as direct recruitment only. As such there is no need to remit the unfilled vacancies again to the open market. The 50 years old age practice has been modified resulting in the freezing of fair chances to the three lakh GDS who are waiting for the regular absorption in the departmental posts like postmen and MTS. The entire vacancies of MTS & Postmen should be earmarked to GDS with the exception of casual labourer quota.
- 10.2.3: As the GDSs are rendering their unblemished and efficient services for the department with meager allowances for decades, the little opportunity of selection ensured earlier to enter departmental cadre shall be protected. The retrograde Recruitment Rules, 2012 shall be withdrawn and the old pattern providing 100% opportunity to GDS as Direct Recruitment in MTS & Postmen Cadre shall continue.
- 10.2.4: The earlier provision of allowing GDS for the unfilled vacancies in the Postal Assistant cadre under residual vacancies is still continuing but with an age restriction. The age restriction shall be removed and shall be permitted to appear the LGO exam. The earlier recommendations to provide quota of 10% in the LGO vacancies shall be implemented by enhancing the same to the extent of 20%. Since there are more Graduates & Post Graduates working in GDS it will pave the way for their promotion to PA cadre directly. This may please be considered.

### **3. Assured Career Progression Scheme**

- 10.3.1: Justice Talwar Committee observed and recommended that the Assured Career Progression scheme be made available to the GDS. It was suggested that two promotions for BPMS should be after every 10 years, but in the case of other categories of ED Agents including the combined category of ED BPM doing deliveries and conveyance of mails, those two promotions should take place after every 12 years. Justice Talwar Committee has prescribed promotional scales also. However, this has not been accepted and implemented.
- 10.3.2: Apart from the traditional promotions as mentioned in the para above, the GDS should be granted minimum of three financial upgradations in the existing GDS

cadres after completing 10, 20 and 30 years of service as if applicable to regular Govt servants and appropriate upgradation/pay scales are to be recommended.

10.3.3: The pay scales on financial upgradations shall be based on hierarchical pay scales as applicable to regular departmental officials. For example for BPM the initial comparison of pay scale is at par with Postal Assistant. On 1<sup>st</sup> financial upgradation he/she should be granted fixation in the next higher grade of LSG scale on *pro rata* basis and second financial upgradation will be HSG-II pay scale on *pro rata* basis and third financial upgradation should be HSG-I pay scale as *pro rata* basis. Similarly GDS MD may be granted in the same pattern of Postmen cadre on *pro rata* basis. The categories may be granted three financial upgradations on the pattern of MTS Cadre on *pro rata* basis.

#### **4. Minimum Service to Postmen Exam**

10.4.1: As per the revised rules, there is no minimum service fixed for appearing MTS exam. This paved way to the educated to become MTS by appearing the departmental examination.

10.4.2: There are several youngsters being appointed as GDSs awaiting for the promotions and their skills and ability should not be drifted away by compelling them to work in the GDS post for five years in case of Postmen examination which was earlier three years. This condition may be removed and all the eligible GDS shall be permitted to appear the postmen examination without fixing any minimum service as the recruitment is classified under Direct Recruitment and outsider Quota.

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## **CHAPTER XI**

### **CONDUCT & DISCIPLINARY RULES**

#### **1. GDS Conduct Rules should be scrapped**

- 11.1.1: At the outset, we place on record that the GDS employees are the holders of civil post under the control of the State within the purview of Article 309, 310 & 311 of the Constitution and as such there is no need to have a separate set of Conduct Rules or Service Rules for such employees. The CCS (CCA) Rules 1964 may please be applied in case of GDS also.
- 11.1.2: Further, these GDS Conduct & Engagement Rules 2011 are not statutory and were framed under the belief that the ED Agents are not civil servants and also not within the purview of Article 309 of the Constitution. When the GDS are selected and appointed in the sanctioned posts as per establishment norms, their recruitment and disciplinary rules must be in the statutory nature and it should not be in the executive nature.
- 11.1.3: It appears that till about the year 1935, there were no separate set of rules to regulate the conduct and discipline of ED Agents. In that year the Director General, Post & Telegraphs department framed rules relating to appointments, penalties and appeals vide DG P&T circular No3. dt. 16.4.35.
- 11.1.4: In the year 1959, however, Extra Departmental Agents were declared as holders of the Civil post within the purview of Article 309 of the Constitution. Accordingly, in exercise of the powers conferred by the proviso to that Article, statutory rules regulating their appointment and conditions of service were framed and promulgated on 25.7.1959 vide GSR No 890.
- 11.1.5: These rules were repealed in the year 1964 on the ground that the earlier view of the matter was based on the erroneous conception on the nature of employment of ED Agents and non- statutory EDA (Conduct & Service) Rules 1964 were promulgated vide Gazette Notification No.6/63/60 dt. 10.9.64.
- 11.1.6: The Department of Post since 1960 has continued to hold the view that the Extra-Departmental Agents are not holders of civil post even after the landmark judgement of the Hon'ble Supreme Court in Gokulananda Das' case decided on 22.4.77, wherein it has been categorically held that Extra Departmental agents are holders of civil Post.
- 11.1.7: The perception of the Department, however, is that the above judgement wherein it is held that the ED Agents are holders of civil post is only for the limited purpose of protection and safeguards provided under Article 311 (2) of the constitution.

11.1.8: The Central Administrative Tribunal, Ernakulam Bench rejected the argument of the department put forth before them that the ED Agents have been declared as holders of civil post for the purpose of protections and safeguard in Article 311 (2) and observed: -

"We find no warrant for reading the restriction into the declaration of law in Rajamma's case and limiting it to article 311, the declaration is that Extra Departmental Agents are a holder of civil post.  
(OA. No. 584/95 decided on 23.1.96)

11.1.9: The position has been further crystallized by the Supreme Court. While holding that Extra Departmental Agents are not workmen attracting the provisions of the Industrial Disputes ACT, 1947, it has been reiterated that ED. Agents are civil servants regulated by these Conduct Rules."  
(Civil Appeal No. 3385-86 of 1996 decided on 2.2.96)

11.1.10: The repeated attempt to read Article 311 (2) in isolation is entirely misconceived and untenable. ED Agents who are being treated as 'outside the regular service' and not to be considered as civil servants excepting for the purpose of disciplinary inquiry is unfortunate and symbol of continuous exploitation despite the liberation ensured in the Apex Court.

11.1.11 Justice Talwar observed that 'the earlier decision of the Government of India that the ED Agents were civil servants as contemplated in the above Article which led to the promulgation of statutory rules in the year 1959 was absolutely correct. The subsequent events prove that the later decision to repeal those rules is erroneous."

11.1.12 The GDS employees have to be included within the overall class of civil servants, being holders of civil posts. Otherwise, it will be violation of Article 14 and 16 of the Constitution. Thus, there is no need to keep separate rules for GDS employees and the Central Civil Services (Conduct) Rules 1964 and CCS (CCA) Rules 1965 should cover the ED employees also and be made applicable to them.

## **2. Changes warrant in GDS (Conduct & Engagement) Rules 2011.**

11.2.1: Notwithstanding our demand to repeal GDS (Conduct & Engagement) Rules 2011 and made applicable of CCS (Conduct & Service) Rules 1964 and CCS (CCA) Rules 1965 to GDS employees, the following are suggested.

11.2.2: In Rule 3 (A) of GDS (Conduct & Engagement) Rules 2011 affirms that the GDS shall be outside the civil service of the Union and a sevak shall not claim to be at par with Government servant. This should be deleted as the GDS are holders of civil posts. A new provision under Rule 3 A (ix) that combination of duties of a sevak will be permissible which exhibits the cruel changes made in the Rules.

- 11.2.3: The Appointing & Recruiting Authority for all categories of GDS employees should be the Divisional Superintendent instead of sub divisional inspector or sub divisional Asst. Superintendent. This should be ensured under Rule 4.
- 11.2.4 The Rule under 3 (A)(iv) provided transfer in the public interest, but not ensured on official at request should be removed. The Transfer entitlement earlier provided based on the Ernakulam CAT judgment issued vide Department letter No. 43 27/85-Pen. dtd. 1.9.88 should be restored and implemented. All the present restrictions shall be removed.
- 11.2.5: So far as the major penalties are concerned, penalty of compulsory retirement is required to be added in Rule 7 of the 1964 Rules. Further, the penalty relating to reduction to a lower stage in the time scales of pay is also required to be incorporated.  
We are of the same opinion and we demand to consider the same and incorporate the conduct rules in the case of non-application of CCS conduct rules 1964.
- 11.2.6: Rule-10: - Justice Talwar Committee has recommended that the following be added at the end of rule 8A.  
"Provided that the ED Agents may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made in a case under clause (i)".
- 11.2.7: This has not been incorporated in the New Rule of GDS (Conduct & Engagement) Rules 2011. The GDS should be given the reasonable opportunity to make his representation while imposing major punishment like dismissal/removal as in the case of Govt. servants covered under CCS (CCA) Rules 1965 as otherwise even the distorted interpretation of Apex Court's landmark judgment by the Department of Posts stands violated.

### **3. Rule 12 -- Put off Duty**

- 11.3.1: Rule 12 of GDS (Conduct & Engagement) Rules 2011 relates to put off Duty. This Rule does not correspond to Rule 10 of CCS (CCA) Rules, dealing with the suspension of a Govt Servant but in certain respects, it is similar to that rule. It cannot be said that Rule 9 of CCS (CCA) rules 1965 in all respects. GDS employees being a civil servant, has to be treated as such. Therefore, similar provisions as contained in Sub Rules 1 (AA), 2 including the explanation, 3,4,5 of Rule 10 of CCS (CCA) Rules 1965 have to be made applicable to GDS.
- 11.3.2: Fundamental Rule 53 prescribes pay & allowances to which a suspended Govt. Servant is entitled. In the amended Rule 12 Sub Rule (3) (ii), the expression, 'ex gratia payment' used therein to denote the compensation to which and a GDS is

entitled does not appear to be in consonance with the entitlement of a civil servant.

- 11.3.3: Justice Talwar observed that 'after the Supreme Court judgment holding Rule 9 (3) (now Rule 12 (3) (ii)) as *ultra vires* this entitlement is a matter of right and cannot, therefore, be termed as ex gratia payment". The nomenclature of compensation / ex gratia payment should therefore be deleted and it should be termed as 'Subsistence Allowance'.
- 11.3.4: The restriction that the ED Agent, while on put off duty, is entitled to compensation equal to 25% of his TRCA together with admissible Dearness Allowance thereon is also arbitrary. The very purpose of subsistence Allowance is that the official who is under suspension should be able to subsist on that allowance. It is therefore necessary that the allowance during put -off-duty should be granted on similar lines as subsistence allowance is sanctioned for whole time employees.
- 11.3.5: Justice Talwar committee observed inter alia on this issue "This committee, therefore, recommends that the 'ex gratia payment' should appropriately be termed as 'put off duty Allowance'. It is further recommended that the sub Rule (3) of the amended Rule 9 be repealed by a Rule which is similar to Rule 53 of the Fundamental Rules providing that the put off duty allowance to an ED Agent while on put off duty should be at least equal to 50% of his emoluments for the first 90 days. Thereafter, the enhancement or decrease should be regulated as provided in FR 53."
- 11.3.6: It is unfortunate that the Govt is not favourably considering the recommendation cited in para supra. We plead once again that these recommendations should be implemented in true spirit and the injustice prevailing to GDS on this issue be mitigated.

#### **4. Withholding of appeals**

- 11.4.1: As per Rule 16 of GDS (Conduct & Engagement) Rules 2011, the provision of withholding of an appeal is in existence for GDS, whereas no such provision for withholding appeal is available in CCS (CCA) Rules 1965. Justice Talwar Committee has also recommended amending the old Rule of 13 so as to bring it into conformity with Rule 26 of CCS (CCA) Rules 1965.
- 11.4.2: The above suggestions are, notwithstanding our demand that the GDS Rules should be made statutory. The GDS employees are Civil Servants within the purview of Article 309 and these rules should be promulgated under the proviso of Article 309 and made statutory.

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## **CHAPTER XII**

### **MISCELLANEOUS MATTERS**

#### **1. Defining the Universal Service Obligation:**

- 12.1.1 Sri Natarajamurthy Committee observed in its recommendations vide para 17.4.1 that the following services and products need to be covered under the Universal Service Obligation in the rural areas as provision of these services by other players is non-existent or not available up to the desired level.
- (a) Postcard / letter card / letter / packet
  - (b) Parcel
  - (c) Blind literature
  - (d) News papers & Periodicals
  - (e) Registration
  - (f) Acknowledgement
  - (g) Money Order upto Rs.5000/-
  - (h) Bill Payment facility
  - (i) Govt services & Insurance Services
- 12.1.2: The Committee observed that the above products and services are considered necessary to be provided to enable fulfillment of social role of the Post Offices in rural areas.
- 12.1.3: The Group of Officers Committee constituted to examine the implementation of the Committee's report recommended that considering our social and economic activities, it would be advisable to define the department's Universal Service Obligation in a more, broad and inclusive manner.
- 12.1.4: This exercise has not yet been carried out by the Department. If carried, the question of loss or less income in BOs for determining its existence does not arise.
- 12.1.5: At present the Branch Post Offices are opened on the basis of population, distance and financial norms. In normal areas Branch Post offices are expected to earn revenue of 33.33% of the cost and in tribal, hilly and remote areas it is expected to earn 15% of the cost. The present income and cost calculation does not bear the new items of work like MNREGS, etc., and it shall be revised based on the principle of Universal Postal services in rural areas of the nation.

#### **2. Cycle Beat**

- 12.2.1: R.R Savor Committee has made the recommendations that the journey covered by an EDDA or EDMC should be treated as journey performed on cycle. This

order has been implemented in 1987 and it has slashed down the work hours and consequently the remunerations.

12.2.2: It is pertinent to note that after 1987, irrespective of the area cycleable or not and also in hill stations, the allowances are calculated on the basis of a cycle beat formula which is irrational.

12.2.3: It is requested that this may be reviewed once again and the concession availed by the ED Agents century old may be revived.

### **3. Idle wait for GDSMCs**

12.3.1: In certain cases, the GDSMCs who are exchanging mails with other BOs / SOs are retained at the last destination for two / three hours in order to bring back to the BO / other Mailbags to the office where he is attached. However, no time factor or any compensation is being paid for his retention and which can be drawn is impracticable.

12.3.2: The Dept of Posts in its letter No. 4-7/88. PE-I (A) dt. 9.02.93 has stated inter alia that the average detention may be computed by taking one month's figure in each quarter in respect of the detention of the GDS for mail exchange for computing their monthly allowances.

The above stated department order has not been reflected in action at any levels.

12.3.3: We suggest, double the hourly wages may be paid to the GDS officials retained beyond the working hours for mail exchange.

12.3.4: The idle wait in between the mail exchanges shall also be taken for computation of work load. The workload performed by him. This may please be considered.

### **4. Uniforms**

12.4.1: The uniforms like departmental officials may be supplied to the outdoor GDS officials like GDS MD, GDSMC, GDS MM etc., so that it can be identified their services to the public.

### **5. Rationalization of GDS staff :**

12.5.1: Instead of present six categories of GDS, it may be converted as three i.e., one Postmaster and the second with Postman and the third auxillary of MTS staff. This may be fixed with only two scales of pay with running pay (minimum 5 hours – 1 scale & another pay scale for 8 hours) with uniform annual increase.

### **6. Assessment of work load:**

12.6.1 Considering the large scale expansion of services and financial inclusion at BO level, the BO shall be open for a minimum of 5 hours and the maximum of 8

hours. This will improve the work. There is every possibility to increase the work if the BO is opened for long hours.

## **7. Employment of GDS in urban areas.**

12.7.1: The R.R. Savor committee has observed that the practice of employment of these categories in large cities is not justifiable on any consideration and should be scrapped altogether. It is therefore recommended that no ED Agents be employed in any of the cities and their employment confined to rural and semi urban areas.

\*At present several GDS working in rural areas possessing higher qualification and skills. They may also be utilized in urban post offices for short-term vacancies in the Postal Assistants, Postmen & MTS. They can be provided better officiating chances as per their qualifications and talent.

12.7.2: However, the ED System is still in existence even in metropolitan cities. All such Posts should be upgraded and the incumbents be regularized in all major cities.

## **8. Engagement of GDS Mail Men in large Railway platforms.**

128.1 R. R. Savor Committee has recommended that the practice of engaging ED mailmen in larger railway platforms may be given up. This would also be in line with the recommendations not to employ ED staff in metropolitan and urban areas. The recourse to the employment of mailmen may be had where necessary only in smaller cities and towns. The Dept has accepted the recommendation and caused orders to discontinue the practice of employing ED mailmen in larger platforms, vide its letter No 6-52/87 PE II (i) dt.11.12.87. However, this has not been implemented even in metro cities. The ED Mailmen are still employed in larger platforms and they have not been regularized into departmental Posts.

12.8.2 Sri Natarajamurthy Committee has declared the posts as dying cadre. But it did not find a solution to convert the existing GDS MM as MTS in RMS which is practically possible at this juncture due to abolition of many posts in many circles as per Natarajamurthy declaration as if the cadre is a dying one. The Department based on D.K.S.Chauhan Committee report, revived the GDS Mail Men Posts and ordered to fill up the posts. It is requested to consider the absorption of all GDS Mail Man as Group 'D' (MTS) by augmenting adequate number of posts in MTS cadre based on the workload.

## **9. Fixed Stationery Charges (FSC)**

12.9.1: Considering the escalation of prices, the present rate of Fixed Stationery Charges being paid to GDS may please be granted at par with regular Postal employees comparable to GDS. The left out items can also be included as the modernization is under progress.

## **10. Leave Travel Concession**

- 12.10.1: The Justice Talwar Committee has recommended that the Government may examine the feasibility of granting the facility of Leave Travel Concession to ED Agents.
- 12.10.2 Since GDS is unique to the department and they are performing similar duties of the departmental staff and totally depending upon the service, an extension of such welfare schemes is a must to refresh and utilize their skills effectively in the service, the LTC facilities may please be extended to the GDS employees.

## **11. Lunch Break/ Rest**

- 12.11.1: The GDS are required to work up to 5 hours or more continuously. They are not being granted with Lunch Break/Tea Break during their duty period. They may be given appropriate period of rest for lunch.

## **12. Counting of Past Service**

- 12.12.1: At present no benefit of past service is given to a GDS on promotion to a departmental post for the purpose of retirement facilities etc. or any other facilities where the minimum service is prescribed. For entitlement of pension, one has to put in ten years continuous service. Most of the GDS who could not secure such minimum service of 10 years have lost their Pension.
- 12.12.2: The casual employees are entitled to get a benefit of past service to the extent of 50% and all casual labourers who enjoy temporary status and have put in 3 years of service are entitled to full benefit of past service.
- 12.12.3: The benefits of past service should be given to GDS on promotion. Justice Talwar Committee recommended that half of the service of an official as ED Agent be counted towards qualifying service for pension and other benefits like house Building Advance. This may please be the considered and recommended.

## **13. GDS Compassionate appointments**

- 12.13.1: The present parameters laid down for the selection of eligible candidates from the bereaved families of deceased GDSs for compassionate appointment in GDS posts is totally unjustified. The selection of an eligible and qualified person from a bereaved family is nothing but to ensure and protect the bereaved family of the deceased GDS and that should not be restricted in the name of merit points etc.
- 12.13.2: In many cases, the conditions could not fulfil more than 51 points due to village conditions, education, etc. Resultantly, the compassionate appointments are summarily rejected and the family of the deceased GDS is in the lurch and left

with the same indigent conditions. Even though recently it has been revised from 51 points to 36 points even then many wards of GDS find it difficult to satisfy the point condition and their cases are rejected. As the GDS are belongs to poorest section of the society imposition of point restriction is arbitrary and unjustified and the conditions should be dispensed with. The wards of GDS shall be granted the appointed as liberal as before. We request to rescind the restrictions in the grant of compassionate appointment and restore the *status quo ante*.

**14. Advances**

12.14.1: The GDS are granted with cycle advance, natural calamity advance etc. whereas they have not been granted with Festival Advance. GDS may be granted all advances available to departmental employees including House Building Advance.

**15. Revision of Flood Advance**

12.15.1: The existing quantum of Flood Advance for GDS is inadequate and it requires revision. Considering the escalation of prices and cost to be incurred for rehabilitation after such natural calamity, the Quantum of advance shall be revised to GDS atleast to the extent of Rs. 10000/- This may please be considered.

**16. Grant of House Building Advance**

12.16.1: The Justice Talwar Committee made recommendation to grant HBA to the GDS and the same has not been considered. The GDS shall also be encouraged by providing loan to have their houses during the service. It is therefore requested to kindly consider and cause provision of House Building Advance to the GDS.

**17. Grant of Motor Cycle Advance & Computer Advance**

12.17.1: Considering the present day mode of Conveyance and the requirement, the GDS can also granted motor cycle Advance at par with regular departmental officials as if being granted in case of cycle advance. Similarly in order to promote the Computer skill among the GDS, Computer advance may also be granted to the GDS for the purchase of computers and it may be provided interest free in order to promote the computer skill among the GDS.

**18. Rent for Branch Post Office**

12.18.1: In fact a part of the premises have to be reserved for Postal work which is not available to the branch Postmaster for his own use. Even in villages, accommodation for Post office becomes difficult to available even on rent and

that provision of adequate space should also be there for the Public to transact business.

- 12.18.2: The condition of the possession of immovable property in the selection of GDSBPM has been deleted and the BPMs have to provide accommodation for B.O at their own cost my incurring huge expenses.
- 12.18.3: It is therefore urged that the rent for housing Branch Post offices should be granted according to the market rates prevailing in the localities concerned. The office maintenance allowance hitherto paid is insufficient and causes loss to the BPMs. The Office Maintenance Allowance is a misnomer it should called as 'office rent' only.
- 12.18.4: While fixing rent there may be specification with good look of the BO to attract the business customers; the infrastructure and feel good factors as in the Project Arrow offices may be spent by the department in the interest of service. The department shall find out building for Pos at Panchayat Office, in case if it could not enhance the Office Maintenance Allowance.

## **19. Combination of Duties**

- 12.19.1: The Justice Talwar Committee observed, "if the Branch Postmaster is to do delivery work or convey mails, he should not be paid a flat rate of Rs. 75/- per month, but he should be adequately compensated for the additional duties performed by him. For instance, if Branch Postmasters perform delivery work/conveyance of mails for two hours, he should be paid the same 'Pay' of the combined post as would be the entitlement of an ED DA / MC if he were to work for 2 hours. The same principle is to be applied in respect of EDDA performing the duties of BPM or that of an ED MC.
- 12.19.2: Whereas the same has not been considered favourably and the exploitation of labour still continues in the cases cited in *para supra*. Under the existing circumstances in new IT environment, the combination of duty will have adverse effect. The system of combination of duty to the BPM may please be dispensed with.

## **20. Removal of certain retrograde conditions**

- 12.20.1: There are certain conditions for employment of GDS employees, which are arbitrary, unjust, and against the law of the land.
- (i) The condition for GDS employment to ensure that one has an alternative source of income so that whatever receives from the department would be in the nature of supplementary income is a draconian rule under the pretext of unemployment in rural areas.

- (ii) The provision of residence of the Mail Carrier in the station of the main Post office or originating or terminating office for GDSMC or residing in the delivery jurisdiction is a farce. This should be deleted.
- (iii) The other conditions to all GDS reside in or near the place of work should also be discontinued. In a nutshell, the residential condition for GDS employees should be dropped.
- (iv) The existing rule requires GDS of all categories to furnish security of Rs. 25000/10000 subject to the condition that the amount of security should be increased or decreased under the orders of the Divisional Superintendents. This provision should be discontinued, as it does no purpose except the recovery of premium to the extent of Rs. 2500/- for five years from the poorly paid GDS officials and credited to the Postal Societies.

## **21. Norms**

12.21.1: While fixing time norms for the work of BPMs, no norms were fixed for the work of counting the cash during the cash conveyance from the Accounts office and also for the remittance made by the B.O. This has resulted in loss of emoluments.

\*The Directorate vide its letter No.14-41/89-PAP dated 23-08-1990 clarified that entire amount of cash received or sent from a BO which comprises only the cash received or to be paid in consequence of the transactions at the BO itself and there is no question of allowing a separate time factor for cash remittances received and sent from BOs to Account Office.

\*In such cases, the cash handled shall be doubled as the BPM has to count the cash either at receipt or at remittance and second time for its payment to the concerned. In the event of checking the cash received, it shall be taken as double the time factor allowed for cash handled or separate time factor must be provided.

12.21.2: The Sri Natarajamurthy Committee has drastically reduced the work norms around twenty times, which determines the Time Related Continuity Allowance (TRCA) of GDS and in particular, the norms for cash handling has been revised twenty times higher than the existing which reflected a reduction of wages to the maximum Branch Postmasters and brought them to minimum TRCA.

The Committee appointed under the Chairmanship of Sri P. Gopinath to review the retrograde recommendations of the Sri. Natarajamurthy Committee by the Secretary, Department of Posts before their implementation had recommended that at least the cash handling norms should be Rs.10000/- instead of the proposed Rs.20000/-. Where, it has not been considered by the Cabinet stating that the second committee appointed by the Department is not the statutory Committee and not considered any of its recommendations on this

subject. This gives a big blow and kicking below the belt of the GDS and on the nature of working conditions of the BO. The reason behind imposing such a norm is far away from the practical observations prevailing at the work spot of the department.

\*Sri Natarajamurthy committee has lost sight of the fact that very few transactions in currency notes of Rs.500- or Rs.1000- or below denominations take place at BOs and most of the transactions are of Rs.100- or below with broken units in cash.

- 12.21.3: The same was discussed once again by the Special Committee appointed for the same purpose under the Chairmanship of Sri V.P.Singh and the Committee through its report submitted on 27.4.2012 recommended to reduce the cash handling amount from Rs.20000 to Rs. 10000/- for getting one point. The Internal Finance Wing has raised queries and not allowed to implement the decisions of the two Committee's recommendations as well as the assurance of the Secretary, Department of Posts in various occasions to Unions in writing. The genuine problem is being protracted, prolonged and snatched away the salary of the poor GDS who faced a reduction of monthly wages heavily.
- 12.21.4: At present, the 50 points for fixation of TRCA to GDS BPM could be earned only after making transactions to the tune of Rs.10,00,000/- per month in rural offices under the small savings schemes viz., Post Office Recurring Deposit (PORD), Post Office Time Deposit (POTD), Post Office Savings Bank (POSB) and Rural Postal Life Insurance (RPLI). On an average a BO works for 25 days in a month, the BPM has to handle cash Rs.40,000/- per day by working in a BO for 3 hours, which is practically not feasible and unimaginable to do the transactions in rural areas apart from handling cash to such extent. We demand point for cash handling should be 1 point for Rs.4,000/-.
- 12.21.5 Similarly, it is not at all possible to sell the stamps in a BO to the extent of Rs. 900/- to earn one point for the BPM. The norms revised can be applied to bigger Head post offices not to the rural branch post offices. This has resulted in erosion of wages to the BPMs and lead to combination of duties. Further, it resulted in abolition of many GDS posts on the plea that insufficient work load and non-remunerative of the BO. We demand 1 point for sale of stamps to the extent of Rs.180/-.
- 12.21.6 The Department has agreed to provide norms for cash remittance from the branch office to account office vice versa in January 2012 itself, whereas no action has so far been taken to provide points to the BPM for fixation of TRCA.
- 12.21.7 Apart from the above, the following irregularities and injustice prevailing in the determination of norms may be sorted out:

1. In case of item of work (i) – the assessment of points on handling of unregistered letter 3 days test figures to be taken during the middle of the month. This will not suffice to fulfil the norms as there are vast changes are taking place in the transmission of mail, etc., and suggested that at least 15 days average figures may be taken into consideration and the staff check may be for 5 days.
2. Savings Bank transactions – There are no norms fixed on the work related to Indiramma Housing Scheme accounts, BPL accounts etc.
3. There is no specific mention about the periodicity for revision of allowances to BPMs based on new norms.
4. Assessment of workload on the average of four quarterly months is unjustified as there is a vast diversity of nature of work in BO depending upon various conditions prevailing in villages, the necessity for availing leave by BPMs etc. caused fluctuations in points arrived that too last year about the periodicity leads discontinuance of regular work in BOs and suggested to take an average of 12 months during the periodicity for revision.

12.21.8: It is therefore requested to review the revised norms scientifically and protect the GDS from the unwarranted wage cut. The application of Marathe Time Test to assess the workload of the Branch offices should continue.

## **22. Seasonal Post offices**

12.22.1: There are many BOs in Uttarakhand & J & K Circle where the BOs are functioning partially in one year for six to seventh months in places like Kedarnath and Badrinath. The BPM and other staff appointed in those seasonal post offices shall work in the remaining months in the plain area. The departmental staff posted in such places of seasonal area, they are being paid with TA/DA. Whereas the GDS deployed in those offices are provided nothing and forced to incur huge expenditure for maintaining the BOs and for their travel and other incidental expenses. The GDS shall also be granted with TA/DA at par with regular Postal officials posted in such seasonal post offices.

12.22.2: Sri Natarajamurthy Committee even though did not favour to compensate the period for which they cannot be engaged, it recommended to consider paying them eligible ex gratia grant and Severance Amount. However, the Group of Officers Committee recommended that the staff employed in seasonal post offices may be deployed in other near by post offices in the division where there are vacancies. This course of action is suggested by Committee so that the GDS officials do not remain without engagement during the period of respective BOs are closed and consequently they are not able to draw TRCA causing hardship.

12.22.3: However this has not been considered and there is no improvement in their service conditions. They should be engaged whole in a year and also paid TA grant for such deployment in seasonal post offices.

**23. Incentive for Promoting Small Family norms**

12.23.1: The Department has collected statistics during 1999 for consideration about the grant of incentive for promoting small family norms as in the case of whole time employees. Whereas this has been stopped at the bud itself. There is every justification to grant similar incentive to the GDS officials for promoting small family norms.

**24. Incentive to GDS sports person.**

12.24.1: The GDS officials participating in State, National & International events should be granted Special leave for coaching / practicing as the regular Government servants are entitled. Similarly for practice, they should be granted paid duty off for one hour daily.

12.24.2: The Special increments available to the whole time regular employees for their sports activities should be extended to the GDS officials also.

12.24.3: We demand that a separate quota for promotion to departmental posts for meritorious sports person among GDS shall be provided in order to encourage sports activities among GDS.

**25. Grant of TA/DA for conveyance of cash to A.O.**

12.25.1: According to the Department of Post letter No. 62-90/87/LI dt. 21.1.88 the BPMs are entitled to reimbursement of the actual fare plus Rs. 10/- in the case of clearing excess cash from B.O. to account office. This has been modified as Rs. 50/- per month, which is far below the amount spent by GDS for such cash remittances. This is arbitrary. They should be granted TA / DA for such events or at least Rs. 100/- on each occasion for the conveyance of cash taking risk for such clearance.

**26. Payment of TA/DA for inquiry**

12.26.1: It was referred by the Department to Justice Talwar Committee vide its letter No. 17-111/90-ED &Trg. Dt 08.08.95 about nonpayment of TA/DA to EDAs while attending inquiry as suspected Public Servant [SPS]. Justice Talwar Committee in its report under Para 22.2 observed that ED Agents have to be entitled to get TA/DA. Any other ED Agent, who is summoned as a witness to attend an inquiry, is also entitled to be paid these allowances. It was recommended that Travelling Allowance and Daily Allowance be paid to the ED Agents in inquiry cases on the same lines as applicable to whole time Government employees subject to a

minimum of TA/DA admissible to the Group 'D' employee. It is unfortunate that the said recommendation has not been implemented.

**27. Counting of GDS service towards Pension**

12.27.1: The issue of counting of ED service towards Pension and gratuity in respect of those EDAS who have been regularised has been referred to the earlier Committee by the Department vide its letter No. 41-210/87-PE II/ ED &Trg dt. 3.5.95. It was recommended to count half of the ED service as qualifying Service of an official for pension & other benefits under Para 13.2 of the chapter relating to social security. This has not been implemented so far. This should be implemented.

**28. Date of Superannuation**

12.28.1: The Department of Posts referred to Justice Talwar Committee vide its letter No. 17-145/93. ED &Trg. Dt. 10.10.95 to consider the date of superannuation of the ED Agents to recommend whether it should also be the end of the month as in the case of regular employees. The Committee has agreed and recommended the same. However, this has not been implemented. This may please be implemented.

**29. Payment of Retirement/terminal benefits on the day of retirement.**

12.29.1: All the retirement benefits viz., gratuity, apportioned amount in SDBS,CGEGIS GDSCWF Scheme etc., accrued for the service of GDS has to be paid on the day of retirement.. Accordingly necessary instructions should be issued to the competent authorities scrupulously.

**30. Remuneration for Excess work.**

12.30.1 The Department has referred to the Justice Talwar committee to consider about the grant of remuneration to ED Agents for attending excess work of stamping of bulk RD Pass books, bulk MOs etc., vide is letter No. 14-10/95-PAP dt. 28.6.95. The Committee without knowing the practicality has observed that these are not the duties of the GDS and suggested that this work should not be assigned to them. Since this is not practicable and has to entrust such work to GDS only, it is requested to compensate properly for such work by fixing due incentive or brought them under time factor for the TRCA calculations.

**31. Triennial review for assessing the workload of GDS**

12.31.1: The Department has suggested in its letter No. 14-10/95-PAP dt. 28.6.95 for consideration of the earlier ED Committee to consider that as the increase of the work load of ED Agents, their emoluments should be increased with immediate effect without waiting for the biennial review. Justice Talwar Committee in its

Para 14-1-1 observed that it is axiomatic that with the increase of workload, ED Agents' emoluments should also increase. As and when additional workload is given to the ED Agents, their emoluments must be increased with immediate effect. But this has not been implemented.

### **32. Security Bond:**

- 12.32.1: Sri Natarajamurthy Committee has enhanced the security to the extent of Rs.25,000- and Bond shall be obtained for five years. This is very harsh and the GDS are forced to spent around Rs.2000- at the time of each renewal.
- 12.32.2: The Fifth CPC recommended that obtaining fidelity guarantee bond from the officials shall be dispensed with. If a survey is undertaken about the amount realized due to this security bond, it will not be equal even to 1% of the total premium credited by the GDS.
- 12.32.3: It is therefore requested to dispense the security bond system or restore status quo ante as prevailing prior to Natarajamurthy Committee for a reasonable amount with every year renewal.

### **33. Counting of Service of GDS for grant of HBA**

- 12.33.1: The Government vide its letter No. 12-10/95-PAP dt- 11-95 referred the Justice Talwar Committee to consider counting the service of ED employees for the purpose of grant of House Building Advance. Justice Talwar Committee recommends that half the service of an official as ED Agents be counted towards qualifying service for pension and other benefits like House Building Advance. This has not been considered and ordered by the Government even though the Department only referred it. This should be favourably considered.

### **34. Deduction of Dues for Co-op Societies**

- 12.34.1: The GDS employees are holders of civil posts and they are drawing monthly payment with annual increments. There is provision to recover the dues towards any Co-op societies as in the case of Departmental employees. However the GDS is denied such facility of deduction and the GDS could not form their own Co-op Societies or become members of the existing Postal Co-op Societies. Such recovery has been denied by citing the provisions of Rule 559 of FHB Vol. I & App 29 which is stated to be not applicable for GDS. The GDS employees should be permitted to form their Societies, and become a member of the registered Co-op societies and the Department should oblige in recovering the dues to such societies from the pay of the GDS officials.

**35. Supply of B.O. Rule Book with updated correction once in two years.**

12.35.1: According to the DG P&T letter No. 62/96/67-CI dt. 4.1.88, all BOs should be supplied with B.O. Rules along with Chapter 13 in regional language. It should be ensured for the supply once in two years, besides releasing quarterly journal in regional language with updated rules and with various new activities launched by the Department for propagating & popularizing such activities in rural areas. An aptitude test may be introduced to GDS officials to know about the service every year in all divisions and distribute cash awards to the meritorious GDS officials in order to motivate and encourage them in postal activities.

**36. Waival of Examination Fee for Postman/Mail Guards**

12.36.1: A sum of Rs. 5/- has been prescribed as Examination fee for appearing Postmen / Mail guard examination by the GDS employees. No fee is collected for any departmental examination anywhere. This is humiliating and this should either be cancelled or waived.

**37. Increase work load by adding more work & responsibility to BOs.**

12.37.1: Justice Talwar Committee observed as follows:

"In certain areas, like booking of money orders, the Branch Postmaster performs a lot of operations, but these are again duplicated in the Accounts office so that the effort made by the Branch postmaster is rendered infructuous. The Department of Post may examine the feasibility of permitting the Branch Postmaster to issue the receipt in M.O.3. (which is at present is being done by the Accounts office), draw the MO, sign in M.O. form at the place earmarked for the Assistant and prepare High Value money order list.

The Account office can authorise the issue of the MO by stamping with combined oblong stamp, which should be in the Accounts office only. The SPM / ASPM should place his signature over the place earmarked for 'Postmaster'. Branch Postmaster will also prepare MO issue list and forward to the Accounts office. It may be examined whether the same list can be forwarded by Account office to Head Office. However, care ought to be taken that the proposed system should not jeopardize the existing practice of the accounts of the Branch office being merged in the accounts of the Accounts office.

12.37.2: Likewise, the feasibility of the preparation of the 'registered list' by the Branch Postmaster may also be explored.

12.37.3: The above said recommendation has not been accepted and implemented. As for the departmentalisation of GDS System and scrap the age-old system of ED, It is a dire need to allocate more works to the Branch Post offices and make them attractive and becoming eligible for departmentalisation.

12.37.4: The Department of Posts is planning to Computerize 100% BOs in the next financial year or so, and this will now have a far reaching impact on the functioning of the B.O- itself. The BPMS will have to be imparted with high -tech training in handling computer as well the software of the department. It will be necessary to transfer more responsibilities to BPMs in this background.

**38. Problems of ED Mailmen in Urban/Cities & larger platforms.**

12.38.1: While implementing the recommendation of R.R. Savor Committee vide Department letter No. 6-52/87- PE II (i) dt 11.12.87, it was ordered that ED mailmen should not be engaged in larger platforms.

12.38.2: The Postal Department vide its letter No. 45/241-88-SPB I dt. 17.5.89 clarified that there will be no other designation like Mazdoor, daily wages in RMS office except full time or part time casual labourers. In order to engage the Mazdoors, daily wage earners for eight hours and to make them as full time employees, they have been employed as ED MM for five hours on provisional basis and three hours as casual labourer daily.

12.38.3: The Department has further directed the Circle Heads vide its letter No. 45-14/92-SPB I dt. 16.9.92 to examine the plight of casual labourers working for five hours and more and make them as full Group D by readjustment or combination of duties. The reference was very specific to Tamilnadu Circle.

12.38.4: The Department has further caused instructions vide its letter No. 2-10/88PE I. dt. 11.5.89 about the modalities to absorb the casual labourer in Group D posts in which it was directed to frame a proposal for the creation of all justified Group D Posts by clubbing the duties of the casual labourers / ED MMs.

12.38.5: In the said Directorate order cited in Para - supra, it was further clarified that the need of employing EDAs in RMS should also be minimal and ED MMs should be phased out in all urban areas except to the extent permitted by the Postal Services Board vide orders contained in letter No. 6-52/87-PE II (i) dt 21.10.87 & 11.12.87.

12.38.6: Based on the above said orders, the ED Mailman working in urban and larger platforms should have been regularised in Group D Posts. This has not been carried out despite categorical orders of the Department to dispense the system of engaging ED MM in larger platforms and make them regularised by clubbing the duties. We request to issue clear-cut recommendations for the absorption of the existing GDS MMs working in urban cities and larger platforms.

**39. Supply of Identity cards to GDS:**

12.39.1: It is requested to provide Departmental Identity cards to all GDS viz., GDS BPMs, GSDSA, GDSMC etc, because of the fact that after the expansion of residential colonies, housing complexes, corporate institutions, gated communities in the

peripheral areas of towns, cities by urban agglomeration, delivery of mail, exchange of bags at certain points, it is most need to perform the duties of GDS in such places with authenticated identity cards. It is requested to provide the same at departmental cost.

**40. No loss of annual increase/increment on availing the limited Transfer facility of GDS.**

12.40.1: Under the present condition of fixation of TRCA to GDS after availing “limited transfer facility”, it is denied to restore the benefit of scale and annual increase in the place of posting. Fixation of TRCA at the minimum & applicable slab of TRCA excluding the accumulation of annual increase for the past service rendered before transfer is alone paid now. It is unfair and unjust. Grant of slab of the eligible TRCA with the applicability of the benefit of annual increase for the past service is requested.

**41. Revenue Generated from SB, RD, PLI, MNREGS etc., to be added as an apportioned income from BOs.**

12.41.1: While calculating the income/cost ratio of the BO establishment, it would be included with the apportioned ratio of revenue generated from the BO. On the live accounts of certain Savings scheme accounts, the Dept. is getting revenue from the Govt. Lakhs and crores of accounts are being operated in the BOs but no sign of calculation of income/revenue generated and totally ignored. Thus caused to show the loss of BOs and lead to rationalization of GDS staff strength. If certain ratio of revenue/income generated from the BOs is taken into account in the cost/income ratio of the BO, the alleged misinterpretation of loss of BOs will vanish and no more.

**42. Training & Retraining**

12.42.1: At present no proper training is imparted to the GDS. No refresher course is being conducted. Natarajamurthy Committee has also recommended to impart training to GDS through a qualified trainer and also to make provision for training for any new products introduced and refresher training at suitable intervals.

12.42.2: Computer training shall also be imparted to all GDS BPMs. They shall be trained in the training course with the expert trainers in order to equip themselves more fit and enthusiastic to work in the present computer environment.

12.42.3: Imparted training at the time of appointment by Mail Overseer etc., has been practically discontinued in all the places. This shall be revived. Suitable honorarium may also be fixed to the trainer.

43. **BPM should be treated as a skilled worker as it requires a technical certificate for his recruitment**

12.43.1: The BPM is playing a vital role in the department to make the BO viable to cater all services in the rural areas. In the plans of modernization of the department, it is required some skill and technology of the BPM and accordingly the essential qualification of computer knowledge is the need for the selection of BPM. Thus a BPM should be treated as a skilled worker.

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## CHAPTER XIII

### TRAINING PROGRAMMES

#### **1. Training Programmes for GDS**

- 13.1.1: In accordance with the P&T letter No. 14-8/72-ED cell dt 18.8.73, the recruited BPMs should be imparted training for one week by the mail overseer and the BPM is entitled for allowance during the training period. Subsequently, it was modified vide Department letter No. 17-220/88 EDC &Trg. dt. 26.12.88, that the BPM should be imparted for four days training and the first two days he will be given training at sub divisional office and other two days at selected sub post office.
- 13.1.2: In accordance with Directorate letter No. 1-5/82-Trg (P) dt. 23.10.92, a training programme of 3 days for ED branch postmasters and a training programme of 2 days for ED Delivery agents were prescribed as detailed below:

#### **2. (1) Training programme for GDSBPMS**

##### **13.2.1: (i) Rules for Branch Post offices with particular emphasis on the following items: -**

- a. Exchange of mails.
- b. Exchange of remittances.
- c. Delivery of insured and other accountable articles.
- d. Booking of registered articles and money orders.
- e. Savings bank and savings certificates.
- f. BO Journal and Book of Receipts.
- g. Writing up of BO accounts and preparation of BO daily accounts.
- h. Supervision over delivery staff.
- i. Important irregularities to be reported at once.

##### **(ii) Mobile post offices and counter Service**

- a. GDS (Conduct & Service) Rules.
- b. Current Postal rates.
- c. Public relations.

- 13.2.2: In this training apart from imparting theoretical training, the branch postmasters were also required to fill up some of the important forms and returns prescribed in a branch post office. At the end of the training a test was also conducted to assess the knowledge gained. The Branch Postmasters were trained by an inspector or Assistant Superintendent of Post Offices at a Delivery Head Post Office or a delivery Sub Post Office depending upon the availability of accommodation and other facilities.

**3. (2) Training programme of GDS Mail Deliverer**

- 13.3.1: (i) Preparation & Submission of GDS Delivery agent's beat book (MS 85)  
(ii) Maintenance of GDS Mail Deliverer visit Book (MS 86)  
(iii) Maintenance of GDS Mail Deliverer book of receipts for intimations and notices (RP53)  
(iv) Procedure for payment of money orders.  
(v) Booking of registered articles.  
(vi) General behaviour towards public.  
(vii) Collection of articles for posting from public where there is no letterbox.
- 13.3.2: Even though the Training was prescribed, this has not been adhered to in practical. No proper Training is imparted to the newly recruited GDS before inducted into job.
- 13.3.3: It should be ensured that the training should be given prior to induction of the individuals in the post for which he has been recruited. Further the Training period may be enhanced for a period of 5 working days with the added syllabus for all categories.  
(i) Conduct Rules. (For two Days)  
(ii) New projects launched and its importance to popularise the scheme at rural.  
(iii) PLI, RPLI & others.  
(iv) Public relations.
- 13.3.4: The Training institutions like PTC Mysore, PTC Madurai etc. may be asked to devise a training module on the above subject and translated into regional language so that it will enable the training more effective by covering all the essential features and ensure uniformity in the training imparted to different individuals by different officers.
- 13.3.5: During the pre-induction training, the GDS employees should be paid Pay & Allowances for the training period and count the induction Training period as duty for all purposes besides TA/DA for the training period.
- 13.3.6: Further, the in service Training is absolutely necessary to equip the GDS employees with updated developments in the Department of Posts, their role and responsibility. The GDS officials should be deputed for in-service Training at the Training centers for this purpose especially they should be well brained in Computer operations to cater the need at the time of introduction of Rural ICT Programmes.

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## CHAPTER XIV

### FACILITIES TO BE PROVIDED TO THE PUBLIC

#### **1. Facilities to be provided in the BOs**

- 14.1.1: All the items of work performed by the Departmental Sub offices may *suo moto* be extended to all BOs if our suggestion on departmentalisation is accepted.
- 14.1.2: We suggested earlier that rural Post offices may be considered as a public relations office and normal needs of the public expected to be provided by the Central or State Governments and other local bodies may be made available like, a collection of local taxes, Electricity Bills, provision of PCO with STD facilities besides popularizing the schemes of PLI, RPLI etc. more effectively. This we can very well carry out in consultations with local Governments and public sector units. All the facilities as are normally expected of by the public could be provided in the Rural Post office. The nation as a whole can be linked to this Postal communications network.
- 14.1.3: The above suggestions are made based upon our practical experiences and close interactions with nature of duties of GDS by gaining the vast experience in the fieldwork. Agreeing to the above suggestions, we hope that the Rural Postal Services can be run very efficiently and productivity of the Department of Posts can be increased further.
- 14.1.4: In our opinion, Post Offices are not simply commercial establishments. In the rural areas, they have come to acquire the status of representatives of Central authority irrespective of the kind of business or traffic each office attracts. Post Offices have also played the role of a national unifier.

#### **2. Basic Amenities to BOs**

- 14.2.1: The following items are required for the Branch Post Office:
- (i) Small iron chest embedded suitably at the Government Cost.
  - (ii) A steel almairah for keeping valuable records etc., in the BO
  - (ii) Two chairs, a table and a stool.
  - (iii) A wooden Box and a bench for Public and
  - (iv) One small forms rack.

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## CHAPTER XV

### TRADE UNION FACILITIES

#### **1. Trade Union facilities to the GDS Union**

- 15.1.1: At the time of realignment of Trade Unions in 1954 in the P & T department with the objective of forming a single apex body with affiliated unions, one for each grade, it was agreed in principle that the ED agents may have a separate union of their own outside the Apex body.
- 15.1.2: In 1957, the Government decided that ED Sub and Branch Postmasters being comparable to class III employees may become members of the class III employees union and other ED Agents may become members of Postmen and class IV Union until a separate union for ED employees is recognised.
- 15.1.3: In 1962, another decision was taken in the department that separate associations for ED agents on the basis of class III & IV unions may be recognized, but these associations would have nothing to do with the Federation of regular employees Viz, the National Federation of P&T Employees recognized by the Government.
- 15.1.4: With the restoration of recognition of the NFPTE after 1968 strike, the ED agents were represented by five Unions viz. NFPTE P III to represent ED SPMs / BPMs; R- III to represent ED Sorters; P IV to represent other ED Agents; R IV to represent the ED Mailmen and National Union of ED Agents affiliated to the FNPTO representing all categories of ED Agents.
- 15.1.5: Later, in the year 1978, a third Federation called the Bhartiya P&T Employees Federation was recognised. This Federation had a separate union to represent ED Agents of all categories called Bhartiya ED Employees union.
- 15.1.6 The ED Unions of FNPTO & BPTEF were extended the facility of monthly meeting with Divisional Superintendents for discussing outstanding problems. Whereas, the ED problems were discussed by NFPTE through regular employees' unions as mentioned in the earlier Paras. However, the ED employees are not represented in the JCM either at the departmental or at national level.
- 15.1.7 After the Promulgation of CCS [RSA] Rules 1993, a separate set of recognition rules called as EDA (RA) rules 1995 was framed for the verification of membership and recognition of GDS Union.
- 15.1.8: During 1999, the All India Postal ED Employees Union, which was part & parcel of members of the P3, P4 R3 & R4 unions came out successfully as a single largest recognized union for EDA employees and no other union is recognized under the ED (RA) Rules 1995. The demand for fresh membership verification

after the split of AIPEDU Union has not been exercised so far. However, the GDS Unions are not extended Trade Union facilities as available to regular staff unions.

**2. We demand**

- 15.2.1:
- (i) Grant all Trade union facilities to the recognized unions representing GDS employees and the grant of right to affiliate with Federations.
  - (ii) Conferring with all GDS Union representatives the same rights as enjoyed by the regular staff, especially in respect of special casual leave, treatment of attendance in scheduled official meetings as a duty.
  - (iii) Recovery of union subscriptions from the payrolls and ensuring full remittance as per the assurances of the check off system.
  - (iv) The facility of a deputation to the union in Foreign Service terms at all levels.
  - (v) Allocation of seats in JCM and discuss their Problems thereon. (The Savor Committee has also recommended that a forum for Joint consultation of the Circle and Departmental levels should be provided). This has not been implemented so far. This should be provided.

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## CHAPTER XVI

### CONCLUSION

1. We have made an earnest effort to prepare this Memorandum to depict the realistic picture on the prevailing conditions of GDS staff and their justified demands that will bring much needed changes in the living and working conditions of this most neglected section and downtrodden employees of the Department of Posts. We have tried to prove that contrary to the claims of the Government more than 90% of GDS employees are solely depending on the job of GDS for their basic livelihood and therefore there cannot be any justification on the part of the Government to deny them from their rightful dues.
2. We have relied upon various judicial pronouncements including the Honourable Apex Court and the observations and recommendations of Honourable Justice Charanjit Singh Talwar to emphasize the fact that the GDS employees or the erstwhile ED Employees are holders of Civil Posts not only for the protection conferred to defend themselves against the disciplinary proceedings but also for staking their just claims for proportionate rights and privileges at par with all other Civil Servants under the Government of India, including that of social security like pension, statutory gratuity, family pension etc.
3. We have indeed made a serious effort to put before the Commission that departmentalisation of GDS System is both viable and beneficial to the service and GDS staff. We would like to place before the Commission that the Government couldn't still justify maintaining such an exploitative system on the grounds of financial crunch while the Government is claiming outside that the Indian economy is leaping forward and booming.
4. The former President of India, Honourable K. R. Narayanan had said that there should be a zebra crossing for the pedestrians in the highway of liberalization to safely cross the roads. We submit that these simple and poor 2.63 lakhs of Gramin Dak Sevaks should not be neglected under the name of commercialization of Postal Services to make profits only in the name of neoliberalization policies pursued by the Government.
5. ***We conclude with the famous quote of Honourable Justice Charanjit Singh Talwar, "The weak and downtrodden need protection" and we look forward to the GDS Committee headed by your esteem to make the decades long dream of 2.63 lakh GDS, a reality.***

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