

## CHAPTER I

### EXTRA DEPARTMENTAL (GDS) SYSTEM IS AN ANACHRONISM - SCRAP E.D 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 E.D. 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. Lvie. G.J. Hamielton 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 was 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 utilised to serve the interior and inaccessible corners of the country and subsequently expanded to the rural areas where full time post office is not justified. The E D System is a peculiar feature of the Postal Department and it is not comparable with any other part time nature of duties performed in any other Central Government Departments.

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

- 1-2.1 The First Central Pay Commission was of the considered view that the ED Agents fell within their purview. The Second and Third Pay Commissions excluded them from consideration mainly on the grounds that the Dept of Post have treated them as agents and a class apart from the regular departmental employees.
- 1-2.2 The Third Pay Commission on that plea of the Department, specifically told 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 that it was beyond controversy and that ED Agents were holders of Civil Posts.
- 1-2.3 Despite these facts, the E D employees are still kept outside the stream of the Department by categorising them as agents. Eventhough the ED agents on the one hand and the regular postal employees on the other may be performing the same and similar comparable postal work, the GDS (ED) 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. ED Agents 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 ED officials, there is no place for the agent 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 E.D. 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 except to deprive them of the benefits to which the departmental employees are entitled. The Supreme

Court has also held that the ED agents are holders of Civil post under the state even though the posts are outside the regular civil service.

1-3.3 Having regard to the principle of master and servant subsisting between the postal department and extra departmental staff, 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 by adopting various methods or extending new services and increase their work load justifying for the departmentalisation.

#### **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 must also be absorbed as regular employees of their respective department.
- iii) The canteen employees have also been treated as departmental employees on the basis of Apex court verdict.

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. The Government should not deny the services to the rural areas on the plea of cost. We therefore propose the Departmentalisation of ED

service by converting ED service as 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, as the ED employee who is brought on to the mainstream will work with zeal and fervour.

1-4.3 For departmentalisation of ED service, new services can be extended in 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 rural public will have the benefits of these services in his home village, which was hitherto not available.

1-4.4 During 11<sup>th</sup> plan, there is a proposal to provide computer in 60,000 Branch Post offices and there is scope of extending more facilities to public in all Postal operations. Adding all these new items of works, almost all the BOs will justify for its upgradation as departmental offices.

## **5. 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 fiducial functions involved", and arrived at the conclusion that the system of 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 Savor committee has discussed about the unrealistic observation mentioned below of 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 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 condition have vastly undergone changes since the ED system was introduced. The improvements in the literacy, educational opportunities have been enlarged even at village level, resulting unemployment in the rural areas.

1-5.5 At present mostly unemployed youth are working as ED agents 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 employees are totally depending upon this job for their livelihood and denial and deprivation of dues by citing unsuited provisions not existed is a farce and bad before law.

## **6 Justice Talwar Committee & Denied Justice.**

1-6.1 Since all the earlier Committees appointed by the Govt. did not provide any justice to this category, the Postal Federations organised a nation wide 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, 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 detailed study about the ED system.

1-6.3 However the Government has 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 in the Parliament. Thereafter, the Government summarily rejected most of the positive recommendations of Justice Talwar Committee and the orders issued on 17.12.98 was stated to be full and final settlement on Justice Talwar Committee.

1-6.4 The Government has rejected the positive recommendations summarily without applying mind properly causing injustice to these poor plighted categories. The following are the few of such recommendations of 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 and 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 with 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 from 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 15 years - 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 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 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 are 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 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.) hospitalisation. 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 Rent 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 fulltime 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 ED rules should be made statutory.
27. The ED agents be made liable to transfer within accounts office jurisdiction or maximum within the sub division.

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.

## **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 alongwith the Justice Talwar Committee report which we respect as the 'Magna Carta' for the 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 Commission to kindly reconsider all the recommendations of the Justice Talwar committee and render justice and fair-play to this exploited category of the postal department.

## **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 full-fledged departmental employees, we draw your kind attention to the Supreme Court verdict in 1977 (Annexure-1), 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 categorised by the Department of Posts.

2-1.2 We allege that the Department with ulterior motive of depriving the legitimate dues has restricted the direction of the Supreme Court for the purpose of 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 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 recognised 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 judgement 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 Government. The concept of 'not whole time Govt employee' is recognised 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. 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 continues 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 interalia: - "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. They no doubt have their own peculiar conditions of service and, in that sense, their case is somewhat special. We, therefore, could not include them from our consideration, but we accepted the Government's suggestion for the setting up of a one - man committee to look to their conditions of service as was done by the Second and Third pay commissions."

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 and therefore they were included within the purview of the said pay commission.

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

2-4.1 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.

2-4.2 "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."

"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 violative of Article 14 and 16 of the Constitution."

"It is not the case of the Dept 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 judgement, that the relationship between the Department and the ED Agent is that of principal and agent".

"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".

## **5. We Demand**

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

- i) Declaring the ED employees (GDS) as a holder of civil servant**
  
- ii) The Constitutional Provisions under Article 309 & 311 should be applied to ED Agents.**

- iii) Scraping the nomenclature of 'sevak' and declare them as 'Rural Postal Employees' of the Department of Post under a separate category.**
  
- iv) Regularise the GDS service by extending various innovative schemes under human resource development, which has been championed by the Planning Commission.**
  
- v) The employees will willingly co-operate to ensure that the services are managed efficiently and also volunteer to promote welfare schemes.**

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.

## **CHAPTER III**

### **DEPARTMENTALISATION OF ED AGENTS**

#### **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 departmentalisation of ED agents remains pending for 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.

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

- 3-2.1 As per Justice Talwar committee's assessment & observations 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 10000/- 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 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 socio - economic structure of rural areas, the daily wage for an agricultural labourer has been fixed much above the daily rate of an ED agent. Resultantly, the ED employees are not able to meet the family expenses and have one square meals 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 ED agents that the ED employees are employed only in rural areas and their livelihood is very cheaper. In our opinion more than 10 percent of the ED employees are serving in urban town and about 15 percent are in semi urban areas. Even in metropolitan cities, and its suburban, the E.D. 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 ED employees are departmentalised by scrapping the existing ED system with eight hours work load on each official by assigning various new work 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 and not at all a liability.

3-3.2 Another reason stated for non-departmentalisation is that more than 75% of the ED employees are having less than two hours work. This is far away from 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.

#### **4. Departmentalisation of ED System - A Viable.**

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

- 3-4.1 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 development etc.
- 3-4.2 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.
- 3-4.3 The 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 ED employees. Any further expansion of postal services should be on norm based opening of departmental post offices.
- 3-4.4 As departmentalisation of ED employees cannot be done overnight and should be in a phased manner, it can be taken up for compliance within a span of three years or so within which the modalities, assignment of new work etc. may be considered for justification of work load and upgradation of the skills of the existing ED employees. We suggest total freezing of the existing ED system at the present level.

- 3-4.5 The vacancies falling on account of Death / retirement / resignation / promotion etc. should not be filled up. The unfilled up vacant posts may be combined with the existing posts or with the nearest office so as to arrive a justified work hours to convert the post as departmental post.
- 3-4.6 The vacancies caused due to above aspects need not be filled up and such of those works may be assigned to the remaining ED Agents working in the same office, or nearby office so as to enable them to qualify for upgradation of ED post into Departmental post.
- 3-4.7 For example, if a ED BPM/SPM is promoted or retired from service, the other EDDA or EDMC of the same office may be assigned the BPM/ED SPMS work also without filling up the post of EDBPM/SPM and on assessment of the combined work load based on norms, the post with composite works may be converted as departmental post. The existing system of grant of combined duty allowance not standing with the workload should be scrapped immediately. The posts falling vacant on similar lines in respect of other categories of ED employees may be manned and upgraded as suggested above.
- 3-4.8 While filling up of such vacant posts, the minimum educational qualification etc should not be a bar for the combination of duties and in such cases the Dept can impart training to upgrade the skills of the ED employees to the requirement of the services.
- 3-4.9 Similarly while fitting the existing ED employees against departmentalised post as and when such occasion arises, they should not be debarred on account of want of minimum educational standards. Instead, they may be imparted adequate training required for the performance of work of such departmentalised post.
- 3-4.10 According to Marathe Time test for augmentation of Departmental post, especially in the case of single-handed offices, the ten hours of work would suffice for creation of two posts, justifying 5 hours for each post. (ie. for both

SPM & Postal Asst). On the analogy of this, the existing E.D. posts having not less than five hours of work may immediately be converted into departmental posts.

3-4.11 As per the norms prescribed in Marathe Time Test vide Para 93 (iv) and Para 114(i), in respect of single handed post offices and mail offices, one additional post is created when the work hour exceed the available staff hours by more than two hours and 30 minutes. In other words, if a single handed post office or mail office has not less then 10 hours of work, two hands are posted to man the office resulting the share of five hours each.

3-4.12 On the basis of this concept, the ED Posts having five hours of workload may be immediately upgraded into departmental post. For this in respect of ED SPM/ ED BPM posts, the element of supervision over the other ED agents for which no time factor has been fixed so far will have the additional justification for immediate upgradation of such post into departmental one. This apart, the additional new works like Rural PLI, Marketing activities etc now carried out on incentive/honorarium basis may also be an additional factor to justify our suggestion.

3-4.13 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. As such, the ED posts which are having not less than five hours of work and are being paid the maximum of TRCA will justify the upgradation into departmental post.

3-4.14 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 departmentalisation: -

- i) Work related to RPLI like procurement of proposal, issuing receipts, preparing schedule etc at BOs. (PLI Directorate proposed the SB time factors for RPLI work at BOs)
- ii) Work related to verification of Electoral & Election work
- iii) Work related to collecting statistics for Census etc.

- iv) Work related to Rural Employment Guarantee Act - (In A P Circle, each BO is having eight to ten hours work due to this work; but the same work has not been taken for the norm and work hours)
- v) Verification of Mobile Phone Bill Connections of various companies & BSNL
- vi) Collection of Telephone Bill at BOs
- vii) Acceptance of Electricity Bill at BOs
- viii) Acceptance of Water Bills at BOs
- ix) Carrying out business activities through BOs like delivering & disposal of Prasadams, E-post etc.
- x) Various social security schemes introduced in various circles through BOs like Bihar AP etc.

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 ED employees for their departmentalisation.

3-4.15 On departmentalisation of existing ED 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 departmental post office. Besides the so many items now carried out on incentive/honorarium basis may also be ordered to be norm based in order to justify the workload for departmentalisation.

3-4.16 If the Branch offices are being computerised as per the planning commission, 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 utilised optimumly.

3-4.17 This being done, the postal services will become more personalised to the public and better efficiency could be achieved. Also new schemes can very well be popularised among the rural public.

3-4.18 The work related to non test category Group 'D' like maintenance of office like cleaning, sweeping, water carrying, gardening etc in the departmental Sub Post Office may be assigned to the ED post to augment the workload for upgradation of the ED post into departmental post.

3-4.19 The works now performed by the part-time casual labourer may well be assigned to the ED employees for upgrading the posts to Group 'D' for the purpose of departmentalisation of ED employees.

3-4.20 We are of the strong opinion that instead of lending these jobs to the private agencies on contract basis incurring further expenditure over these items, these jobs can well be clubbed with the ED posts of the office concerned to justify the upgradation of ED post. The existing human resources of ED employees may be well utilised for all new jobs and part-time jobs by upgrading the post having direct accountability for the department.

3-4.21 The department come up with the proposal of Panchayat Dak Sewa Yojana and opened many post offices by contract with the Panchayats. We suggest, that the existing human resources of ED employees may be well utilised for the extension of postal facilities to the left out Panchayats, thereby justifying the workload of eight hours or more for departmentalisation of existing ED employees. While extending the postal services to the uncovered areas, the existing ED employees may be utilised for providing counter facilities in such Panchayat villages for fixed hours.

Like this, one Departmentalised Branch Post Office can cater to the needs of counter facilities to two to three village Panchayats even one to one Panchayat scheme can also offset the existing uncovered Panchayats. This will satisfy the targets and aspirations of the Public Accounts Committee.

Similarly, the existing ED employees can be utilised optimum instead of opening 'Franchisee outlet' in urban areas also. When we are having abundant work force and could utilise their services, there is no need for such

Franchise outlet in any areas and the services of this GDS officials may, be utilised for upgradation of their status.

3-4.22 GIRO system may be introduced in the village level to co-opt with other Central / State Government departments and Public Sector units on agency basis. With the 73<sup>rd</sup> amendment of the Constitution of India, the Panchayats now become the third tier of administration. Hence a GIRO system may be introduced in the village level through our departmentalised Branch offices and the Central / State Government departments / Public Sector units may be co-opted on agency basis.

3-4.23 Large-scale expansion of Telecom System by providing telephones on demand even in rural areas is scope for utilising the ED employees to be incharge of the PCO and also collection of telephone bills.

3-4.24 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 ED employees may also be considered on similar line with no expansion of ED system further.

3-5.2 As soon as working of a scheme of departmentalisation of the existing ED employees, further employment of ED employees to man the postal services may be stopped and the very expansion of the system of ED agents may well be dropped as in the case of canteen employees where not only the further recruitment of canteen employees even in the existing vacancies is banned or stopped, but also the very opening of further departmental canteen is stopped.

**3-5.3** The above arguments / suggestions will throw clear light on the feasibility of upgrading the ED posts into departmental one, fitting all the existing ED employees against those post as departmental employees.

## **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 ED employees into departmental employees as they cannot any more be treated as contract agents as per the judgement of 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 as those post offices are largely situated in rural segments, the responsibility of housing such post offices may continue to be rest with the incumbent holding the post by paying reasonable fixed rent.

3-6.2 While selecting and appointing the existing ED employees against the departmentalised posts, the appointments may be made on seniority basis as per the Divisional Gradation List subject to the condition that they should thereafter reside in the same village where the departmental office is situated. On account of this operation, the replaced ED agent may be accommodated in any one of the vacancies.

3-6.3 The part-time casual labourers appointed on regular basis after observing usual formalities as per rules and orders on the subject may only be allowed to continue in the existing capacity. As and when the regular part-time casual labourers vacate their posts, the work should be allotted to the ED employees for the purpose of departmentalisation. In other words, no post of part-time casual labourers should be filled up on introduction of the scheme of departmentalisation.

3-6.4 If the departmental post office is to be manned by a single person, he may be placed in the postman cadre combining all the duties into one. If the workload

justifies for additional post based on standards another eligible candidate may be appointed in the postman cadre with outdoor duties detaining the senior for station work designating him as Postmaster.

In respect of ED packers who are placed in the same cadre in the Department of Posts, they may be placed in the Group 'D' cadre.

## **CHAPTER- IV**

### **JOB EVALUATION OF GDS**

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

- 4-1.1 The various categories of ED Agents 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 other accountable articles.
- 4-1.3 The stamp vendor performs identical duties in sub Post office compared to a Departmental stamp vendor. Like wise, the ED Mail carriers, Packers perform exactly the same duties of Group D in the Post offices.
- 4-1.4 Extra Dept. Sub Postmaster, who is to keep the office open for 5 hours, can be compared to a departmental sub postmaster as he also keeps accounts like his counter parts.

#### **2. ED Branch/ Sub Postmasters**

- 4-2.1 The ED SPM / BPMS employed in the department are paid wages on the basis of point system, which was introduced by the First Central Pay Commission. The Justice Talwar Committee observed that the BPMS be paid for minimum of three hours for attending the Post office. The BOs are expected to keep open for three hours daily.
- 4-2.2 The EDSPMS/BPMS are 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 rulings position in respect of all the transaction 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 SO/BO Accounts as the case may be and submitting daily account to the HO/AO respectively.
- 4-2.5 The ED SPM / BPM 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 transactions received or made are entered in more details than any other record in a departmental office. The particulars of 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 Post marks, 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 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

ED Branch/ Sub Postmaster even though the department therefor provides very little arrangements. They have to perform counter deliveries and counter payment of MOs beyond the prescribed limit.

4-2.9 The ED Sub Post office/ Branch Post offices mostly have split duty hours according to the hours of receipt and despatch 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, NREGS scheme, Electoral verification etc being performed at the BOs for which no time factors has been evolved so far. If proper time factors are fixed for such work, almost all the BOs may have work hours beyond five hours and becoming eligible to be brought under the consideration for departmentalisation. 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 strategy to enhance their work and utilise the manpower optimally and departmentalise 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 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 EDDAs are as responsible and arduous as 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 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 scrutinise the over all 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 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 their posts as departmental ones.

#### **6. E.D. Stamp Vendors**

4-6.1 These posts are 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 EDSVs working side by side in the same office are not uncommon. The work performed by the EDSVs 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 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."

## **7. E.D. Messengers**

4-7.1 According to Rule 551A of the P&T manual vol. IV, the ED messenger Posts are created which is interalia: -

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 by Telecom. However, in few places, the system of ED messenger continues. If one messenger has delivered fourteen telegrams, the Post was departmentalised in Telecom. But it fetches only the maximum allowance to ED messenger. While conversion of Telegraph service to DOT, the officials working in the messenger post also be transferred with regularisation as per their norms.

## **8. We Demand**

In nutshell, the duties, services, functions, risks and responsibilities of the ED 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 ED employees and their departmental counter parts are given below:

GDS SPM / GDS BPM	- Postal Assistant
GDS MD / GDS SV	- Postmen
Other GDS Categories	- Group D

## **CHAPTER V**

### **WAGE STRUCTURE**

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

5-1.1 Justice Talwar Committee in its concluding observations in their report, it is stated interalia: -

"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 alongwith 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 referred to Sixth Pay Commission. The Staff Side has been driven to the wall either to accept or reject the 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, interalia 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 First Pay Commission did not favour the replacement of ED System as there is no other viable system there, and it observed that the system needs to be strengthened. The extracts of Para 5.8 of Part III are reproduced hereunder.

"Extra Departmental Staff- A very large number of branch Post Office in rural areas (about 22000) are at present worked by extra departmental branch

Postmasters who are not whole time Govt servants and in their terms of service are required to devote only a part of their time to Post office work. They are subject to Govt. Servants Conduct Rules and Postal regulations. They are generally men with means and avocations of their own and they are paid for their part time work, an allowance which is based on point system of assessment linked up with the money value of the transactions done in the Post Office. The extra departmental system has arisen out of the necessity of providing Postal service for the rural areas without imposing burden on the tax payer. But the unions complained that the present scale of remuneration and the dearness allowance (Rs.5/- to Rs.8/-) given to them was niggardly. They also complained of absence of leave privileges and of the necessity to meet out their remuneration the cost of maintaining a substitute as well as miscellaneous and contingent expenditure on stationery etc. Some of them claimed that proportionate to number of hours of work to be put in Extra Departmental staff should be remunerated on the same basis as the full time employees of the same class. We consider that for providing adequate Postal facilities for the country side, the system of employing extra departmental staff has to continue but would recommend that the scale of remuneration should not be linked with the amount of money handled by the office but must have reference generally to the work and attendance required. They must be revised in the light of present day conditions."

5-1.5 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.

5-1.6 The apparent reason for joining the department as an ED Agent accepting the low 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 Talwar Committee shows that about 98 percent of the ED Agents of all categories put together took up the job expecting full time absorption in the department. Only 0.09 % joined

the ED System as a side occupation and, therefore, is not interested in future full-time absorption.

5-1.7 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.

5-1.8 We are endorsing the same and the ED employees should be paid based on the hours he is performing his duties and requesting to implement the suggestions as furnished below: -

- i) No ED Agent be employed for less than 3 hours and 45 minutes of work per day.
- ii) They may be permitted to work to a maximum of 7.5 hours.
- iii) Wages may be paid on pro-rata basis of payment to corresponding whole time departmental employees.
- 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 by fixing norms to various work and by introduction of various new services and upgrade the post as departmental one.

Ultimately, the possibility of departmentalisation of ED employees should be processed in a phased manner and be implemented within a period of five years.

5-1.9 It is most pertinent to mention that as per the data collected by Justice Talwar Committee, it shows that more than 76 percent of the ED Agents (other than

BPMs) are working four hours or more per day. If they have been crossed the workload of five hours, those posts can be upgraded as a departmental post as per the provisions contained in Marathe Time Test.

5-1.10 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. There is no law, which prohibits the ED Agents to work beyond five hours a day.

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 upgradation 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 ED Agents due to the recommendations of the Justice Talwar Committee.

5.1.14 Based on the recommendations of Justice Talwar Committee, pay scales with increments has been fixed for the GDS employees. The prorata basis of pay scale prescribed to GDS employees comparing the whole time employees performing similar types of duties has not been practically implemented while revising the pay scales of Group D. & Postmen for the ED Packer, EDDA retrospectively. Thus there was erosion of wages in existence and the recommendations to grant prorata basis has not been implemented in true spirit.

## **2. Date of Effect**

5-2.1 The enhanced pays perks should be based on the recommendations of the Sixth Central. Pay Commission with effect from 1.1.2006, the arrears should be based on the revisions to be given effect retrospectively from 1.4.04 to GDS on 50% DA merger and from 1.1.06 as usual.

## **3. Weightage**

5-3.1 The due Weightage has not been extended to the GDS while implementing the Talwar Committee recommendations resulting drawal of equal pay for new entrant and also seniors with above 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 recognising their past services.

## CHAPTER VI

### DEARNESS ALLOWANCE

6-1.1 Because the pay scale of GDS has been termed as 'Time- Related continuity allowance' at the time of 50% merger of DA with basic pay to Central Govt employees, similar benefits have not been extended to GDS employees on the untenable grounds that the TRCA is an allowance only and so it cannot be merged. This was nothing but a ruse to deny the dues and dilute the principle of grant of DA to GDS employees as per the formula available to regular departmental officials.

6-1.2 The R.R. Savor committee in its recommendations under Para 9.51 observed interalia: -

'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 and 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.'

6-1.3 Even though the above said recommendations were accepted and implemented in true spirit from 1986, the GDS employees are in perennial loss and drawing 50% less while the regular employees are granted with the increase of Dearness allowance every time. Each official, as on date has been deprived of at least Rs. 200/- per month due to non-grant of 50% DA merger with the TRCA, as the table hereunder shows the loss being incurred by different category of GDS.

**Difference / Erosion of DA, Per month. (Loss of DA)**

	1.4.04 to 30.06.04	1.7.04 to 31.12.04	1.1.05 to 30.6.05	1.7.05 to 31.12.05	1.1.06 to 31.6.06	1.7.06 to 31.12.06	1.1.07 to 30.6.07	1.7.07 to 31.12.07
<u>BPM</u>	Rs.							
1280-35-1980	6	26	44	70	90	122	160	198
1600-40-2400	19	32	56	88	112	152	200	248
<u>GDS SV, GDS DA</u>								
1375-25-2125	7	28	49	76	96	131	172	214
1740-30-2640	9	34	60	96	121	165	218	270
<u>GDS PKR, GDS MC etc.</u>								
1220-20-1680	6	24	43	67	85	116	153	189
1545-25-2020	8	32	58	86	109	109	194	240
<u>GDSSPM</u>		43	75	117	149	202	267	330

**Note:**

- i) The calculation is made on the Minimum/maximum of the TRCA.
- ii) Annual increments are not taken into account.

6-1.4 As such, nomenclature of TRCA should be dispensed with and it should be termed as 'Pay' for all purposes.

6-1.5 In nutshell, all the facilities applicable to the proportionate corresponding scales may be extended to the GDS employees based on the recommendations to be made for departmental employees by the Sixth Central Pay Commission.

6-1.6 Savor committee has recommended that increase of dearness allowance may be reflected as a separate dearness element to the ED agents as and when it is sanctioned to regular employees. The quantum of the dearness element for an ED agent will bear the same proportion to dearness allowance sanctioned for regular employee of corresponding category. The same was implemented in true spirit till 1.1.2004 and the DA element has not been sanctioned thereafter due to non-consideration of 50% DA merger with TRCA. Resultantly there is an erosion of dearness compensation to GDS employees as and when the regular employees are drawing.

6-1.7 This erosion should be arrested forthwith. DA should be granted to GDS employees at par with the regular employees. Similarly the Commission may consider the 50% DA merger with TRCA w.e.f. 1.1.04 on the analogy mentioned in Para supra and grant due arrears to the GDS in removing the loss due to its non-implementation.

## CHAPTER VII

### OTHER ALLOWANCES

#### **1. House Rent Allowance & CCA.**

7-1.1 The demand of the staff unions to grant HRA/CCA to ED employees proportionate to the rates of whole time employees of the department has been summarily rejected by Savor Committee with the following observations.

7-1.2 "The ED 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 ED agent does not arise."

7-1.3 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.

7-1.4 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. It is therefore suggested to review the recommendations once again and grant HRA/CCA to the GDS employees at par with whole time regular departmental employees.

#### **2. Over Time- Allowance**

7-2.1 A large number of ED mail carriers, ED 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.

7-2.2 The Sevoor 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.

7-2.3 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.

7-2.4 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.

7-2.5 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.

7-2.6 The said recommendation was not considered and the old rate of Rs 3/- to Rs. 6/- is still in existence. The compensation should commensurate with the hourly rate of wages at least.

7-2.7 The 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."

7-2.8 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.

7-2.9 The GDS employees are brought on Sundays and holidays for imparting training on various programmes like RPLI etc. and no compensation is paid for the whole day.

7-2.10 Whenever a GDS is called on duty or training on a holiday or a weekly off day, he must be paid compensation for performing duty on that day. The amount of compensation should be calculated on the same principles as are applicable to corresponding departmental staff.

7-2.11 We suggest considering the above on the principle of natural justice.

7-2.12 As the question of assigning any duties to ED Agents on Sundays/holidays in post office does not arise at all, the treatment of such periods also as leave are highly irregular.

### **3. Travelling Allowance/ Daily Allowance**

- 7-3.1 The Dept of Post forwarded for examination of Justice Talwar Committee on the issue whether a delinquent ED Agent be paid TA/DA for attending the inquiry to defend his case.
- 7-3.2 The Committee has observed that a suspected 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.
- 7-3.3 The 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.
- 7-3.4 We request that the said recommendation may please be considered in true spirit.
- 7-3.5 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.
- 7-3.6 Those 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. They should be granted with DA or the rate of incentive should commensurate with the rates.

#### 4. **Split Duty Allowance**

7-4.1

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 Savor Committee arbitrarily vide its letter No 6-52/87-PE II Dt. 4.11.88. Justice Talwar committee has also recommended the same for the gap of 1-1/2 hours. This has not been considered so far.

#### 5. **Education Allowance**

7-5.1 The Education Advance should also be granted proportionately to ED Agents  
The reimbursement of Tuition Fee as eligible to departmental employees may be extended to GDS employees also.

#### 6. **Boat Allowance**

7-6.1 The GDSMD/MM are being drawn Rs. 10/- per month as BOAT Allowance, which has been fixed three decades ago. This should be enhanced commensurate with the expenses for this purpose. Similarly, the officials working in Desert area in Rajasthan should be granted with conveyance allowance and cost of water Bottles etc.

#### 7. **Special Duty Allowance**

7-7.1 The Special duty Allowance being paid to regular employee in the N.E. Circle, Assam should be extended to GDS also at the rate of half the amount drawn by regular employee. In short, all Special Allowances drawn to regular should be extended to GDS at the half rate for regular employees. the Tribal Area allowance (Remote area allowance) should be extended to the GDS employees at par with regular Postal employees.

## **8. Miscellaneous Allowances**

7-8.1 There was a demand placed before the Savor Committee to grant other allowances like bad climate Allowance, Winter Allowance, Project Allowance to the ED employees as granted to regular employees but Savor Committee after examining the whole issues observed interalia:-

"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 conditions. It is felt that E.D. 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 proportion which their emoluments bear to the emoluments of comparable categories of govt. servants.**"

7-8.2 However, the said recommendation has not been considered favourably. This has been rejected summarily with out any valid reasons.

7-8.3 The justice Talwar committee in its report has also obtained similar to 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 to 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."

7-8.4 This recommendation has also been not considered favourably, 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.

## **CHAPTER VIII**

### **WELFARE**

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

- 8-1.1 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 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 to crores of rupees.
- 8-1.2 Savor committee has also relied on the recommendations of Rajan & Madan Kishore Committee in summarily rejecting the demands of the staff side on extending medical facilities to the GDS employees.
- 8-1.3 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.
- 8-1.4 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 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."
- 8-1.5 It further recommended granting full benefits to the ED Agents and their family members in cases of indoor treatment (i.e.) hospitalisation. 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.

8-1.6 The Govt has not accepted the above said recommendation and the GDS employees are not provided with any medical facilities.

8-1.7 It is therefore suggested to recommend Fixed Medical Allowance at par with whole time regular employees to the ED Agents working in rural areas for out - patient treatment and in the event of taking in - patient treatment the cost of medical treatment may be reimbursed like regular employees.

## CHAPTER IX

### LEAVE

#### **1. LEAVE**

9-1.1 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) **Commutated 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.

9-1.2 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.

9-1.3 Whereas, the Govt has granted only 10 days paid leave for half yearly period and rejected all the recommendations. The carry forward of unutilised leave has not been granted.

9-1.4 We suggest that the recommendations of the Justice Talwar Committee be implemented in true spirit. 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.

9-1.5 The present rules that the GDS officials availing more than 180 days leave are proceeded under disciplinary action which is against the principle of Article 311 of the Constitution and arbitrary. This draconian rule should be removed.

9-1.6 The GDS employees should be granted study leave to acquire better education on the similar line applicable to whole time departmental employees.

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

9-2.1 As per the existing system, the EDAS avail leave only without allowance. Hence the termination of ED Agents on availing of leave in excess of 180 days, that too without allowances is a great injustice against to the natural law and human rights.

9-2.2 For calculation of 180 days of leave, the intervening Sundays & holidays are also taken into account, which is against to the spirit of DG's instructions in letter No. 43/15/65- Pen dt. 7.6.68 according to which, the authorised leave is a period during which, with the approval of the appointing authority, an EDA is permitted not to attend personally to the duties assigned to him."

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

9-3.1 The Department vide its letter No. 19-5/96-ED & Trg dt 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 or a 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.

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

- 9-4.1 The Special Disability Leave granted to 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 to the GDS as in the case of Postman staff.

**CHAPTER X**  
**SOCIAL SECURITY SCHEME**

**1. The Existing**

10-1.1 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.

10-1.2 The above schemes are partially beneficial to the ED 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.

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

10-2.1 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."

10-2.2 However while concluding the recommendation, the committee stated interalia: 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 unorganised Labour entitles Pension**

10-3.1 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 organisation. The employees of unorganised sector are provided death benefits besides payment of Employees Family Pension.

10-3.2 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. 400/- per month to those who have no means of support for their livelihood at their old age.

10-3.3 When such is the case in respect of employees of unorganised sectors and common man, the poor ED employees after serving the Department for nearly four decades are left in the lurch.

10-3.4 In order to recognise 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.

#### 4. **Pension is not alm or at the Mercy of the Employer**

10-4.1 But to every one's dismay, the Dept of Post vide its letter No. 21-15/92-ED & Trg dt 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 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 work of these EDAs, therefore, does not justify grant 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".

10-4.2 The Dept of Posts in their affidavits filed in reply to the petitions before various courts have emphasised 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."

10-4.3 Thus the contention of the Deptt of post was that ED Agents are not entitled to pension. 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.

10-4.4 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 socialistic state as declared by the Apex court in D.S. Nakara Vs. Union of India (AIR 1983 S.C. 130).

10-4.5 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 subserve, 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**

10-5.1 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.

10-5.2 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 1,27,073 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. 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 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**

10-6.1 The following views may please be taken into consideration while deciding the issue on grant of pension.

- (i) Prohibiting grant of pension to GDS tantamount to class legislation, which is prohibited.
- (ii) It is arbitrary and discriminatory as the sole object to be achieved by framing such rule is to deprive the ED Agents from Pensionary benefits.
- (iii) By granting pension to ED Agents 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.
- (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 voluntary basis with the consent of the majority of its employees.

10-6.2 Under these circumstances narrated above, the ED employees are entitled for the grant of pension and it is therefore requested to extend the Pension

scheme to the ED employees at par with regular Govt. employees with all consequential benefits and entitlements.

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

10-7.1 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.

10-7.2 The recommendations have not been considered favourably. The discrimination should be ended.

## **8. Family Pension**

10-8.1 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, family pension to parents may also be made applicable to them.

10-8.2 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.

10-8.3 We are totally recording our resentment over the scheme. The word 'severe' contained in the nomenclature is the symbol of exploitation of ED 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. Commutation of Pension**

10-9.1 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.

**10. Group Insurance Scheme**

10-10.1 A contributory Group Insurance Scheme has been introduced for ED employees from 1.1.87 and 10/- has been collected as premium with the insurance coverage of Rs.10000/- only. The scheme was introduced twenty years back and no review was taken thereafter.

10-10.2 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.

## **CHAPTER XI**

### **APPOINTMENT & PROMOTIONS**

11-1.1 Since we are advocating for the freezing of GDS System at its present stage and departmentalise the posts as and when become vacant, we do not elaborate about the GDS appointments more.

11-1.2 However, notwithstanding our claim of Departmentalisation of GDS, and freezing of GDS system. We suggest the following: -

- (i) As the department launches computerisation of BOs to the extent of 60% during the current year, we require more personnel possessing good Qualification to man the BOs. Hence plus two Qualifications may be fixed as qualification for Branch Postmasters.
- (ii) The candidate who posses computer knowledge, be given special pay after their appointment of BPM and also to the present incumbents.
- (iii) Similarly the qualification for GDS MD & other categories shall be modified 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 vocation should be removed.
- (vi) The present mode of recruitment on merit basis should be continued.

11-1.3 We are of the firm opinion that the existing GDS could be departmentalised only if the total freezing of GDS System is ensured.

11-1.4 The departmentalisation of GDS system is possible which was dealt in the earlier chapter.

11-1.5 Justice Talwar Committee observed and recommended that the Assured Career Progression scheme be made available to the ED Agents. It was

suggested that two promotions for ED BPMS / ED SPMS should be after every 10 years but in the case of other categories of ED Agents including the combined category of ED BPM doing delivery 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.

11-1.6 According to the promotional avenues available in the Dept. all posts of Group D are filled by ED Agents on seniority basis, without any examination. 50% of the posts of postmen are filled up from the cadre of Group D and the remaining 50 % direct recruitment quota is reserved for the ED Agents, out of direct recruitment quota, 25% are filled on merit and the remaining 25% are filled on seniority. For the latter, the condition to be satisfied is that the ED Agents should have put in 15 years of service. The same may be continued. The present service condition of 6 years to appear the Exam should be reduced to 3 years.

11-1.7 The ED Agents are permitted to be inducted in to the clerical cadre against the shortfall vacancies under promotional Quota. The concession of 10% bonus granted earlier to the ED agents compared to the last open market candidate but now he should possess the mark obtained by the last open market candidate. As a result of this even one percent of the vacancies under this area has not been filled up with the ED Agents. This should be modified and all GDS should be permitted to write the LGO exam for the shortfall vacancy without any restriction on education qualification or age. The promotional avenues are inadequate. It will not cater to the requirement of at least 1 or 2 % in any one year.

11-1.8 Apart from the traditional promotions as mentioned in the pre paras, the GDS should be granted minimum of three financial upgradation in the existing GDS cadres after completing 10, 20 and 25 years of service and appropriate upgradation pay scales are to be recommended.

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

11-2.1 The Department of Posts has revised the recruitment rules of 1989 for the Postmen cadre vide DG (P) No. 44-29/94-SPB I dt. 30.1.95 wherein it has enhanced the minimum ED service to six years for the eligibility to sit in the Postmen examination. It was three years earlier as per the major C. V. Rajan's Committee recommendations and subsequently enhanced to five years in accordance with the report of the Savor committee.

11-2.2 There are several youngsters being appointed as EDAs awaiting for the promotions and their skills and ability should not be drifted away by compelling them to work in the ED Post for six years. The earlier required minimum service of three years will be sufficient.

## **CHAPTER XII**

### **CONDUCT & DISCIPLINARY RULES**

#### **1. GDS Rules should be made Statutory**

12-1.1 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 Conduct Rules or Service Rules for such employees.

12-1.2 Further these GDS Conduct & Employment Rules 2001 are not statutory and were framed under the belief that the ED Agents are not civil servants within the purview of Article 309 of the Constitution.

12-1.3 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.

12-1.4 In the year 1959, however, Extra Departmental Agents were declared as holders of 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.

12-1.5 These rules were repealed in the year 1964 on the ground that the earlier view on the matter was based on the erroneous conception on the nature of employment of ED Agents and non- statutory EDA conduct and service Rules 1964 were promulgated vide gazette notification No.6/63/60 dt. 10.9.64.

12-1.6 The Department of Post since 1960 continues 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.

12-1.7 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 safe guards provided under Article 311 (2) of the constitution.

12-1.8 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 safe guard 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 holder of civil post.

(OA. No. 584/95 decided on 23.1.96)

12-1.9 The position has been further crystallised 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)

12-1.10 **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.

12-1.11 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 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."

12-1.12 The GDS employees have to be included with in the overall class of civil servants, being holders of civil posts. Otherwise it will be violative 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 should cover the ED employees also and be made applicable to them.

## **2. Changes warrant in GDS Rules 2001**

12-2.1 Notwithstanding our demand to repeal GDS Service Rules 2001 and made applicable of CCS (conduct) rules 1964 to GDS employees, the following are suggested.

12-2.2 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.

12-2.3 The Rule 4 of GDS conduct & Employment Rules 2001 provides that the GDS employees shall not be entitled to any benefits at par with regular departmental official should be deleted and the facilities should be extended to the GDS officials as applicable to whole time Govt Servant.

12-2.4 The Rule under 3 Note II of GDS Rules, which Prohibits transfer to the vacant Posts, should be removed. The Transfer entitlement earlier provided based on the Ernakulam CAT judgment issued vide Department letter No. 43-27/85-Pen. dt. 1.9.88 should be restored and implemented.

12-2.5 Rule ....9.... provides for penalties. It reads as follows.

### **Rule 9- nature of penalties: -**

(i) Censure.

- (ii) Debarring a sevak from appearing in the recruitment examination for the post of postman and/or from being considered for recruitment as Postal Assistant/Sorting Assistants for the period of one year or two years or for a period not exceeding three years.
- (iii) Debarring of a sevak from being considered for recruitment to Group D for a period not exceeding three years.
  
- (iv) Recovery from Time related continuity Allowance of the whole or part of any pecuniary loss caused to the Govt by negligence or breach of order.
  
- (v) Removal from employment, which shall not be a disqualification for future employment.
  
- (vi) Dismissal from employment, which shall ordinarily be a disqualification for future employment.

12-2.6 The above rule does not classify penalties into minor and major penalty. There is no provision of withholding of increment for specific years and reduction in TRCA. In the absence of such provisions, even for minor charges, the GDS employees are awarded with major penalty of removal, dismissal etc.

12-2.7 Justice Talwar Committee observed, "the minor penalties provided in Rule 7 are presently different from the one provided in Rule 11 of the CCS (CCA) Rules. In view of the recommendation of this committee that the ED. Agents should also be granted scales of pay and be assured progress in their carrier, atleast two of the minor penalties provided under the said rule 11 of the CCS (CCA) Rules have to be substituted in the Rule 7 of the 1964 Rules. Those are:

- (i) Withholding of increments of pay; and
- (ii) Withholding of promotions.

12-2.8 Consequently, the penalties mentioned at 7 (ii) and 7 (iii) have to be deleted. So far as the major penalties are concerned, penalty of compulsory retirement is required to be added in Rule 7 of 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.

12-2.9 Rule-10: - Justice Talwar Committee has recommended that the following be added at the end of rule 8A.

"Provided that the E.D. 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)".

12-2.10 This has not been incorporated in the New Rule of GDS conduct & employment Rules 2001. 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 1964 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**

Rule 12 of GDS Conduct & Employment rules 2001 relates to put off Duty. This Rule does not correspond to Rule 10 of CCS (CCA) Rules, dealing with 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 incorporated in the Rule 12 of GDS Rules 2001.

12-3.2 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 ED Agent is entitled does not appear to be in consonance with the entitlement of a civil servant.

12-3.3 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'.

12-3.4 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.

12-3.5 Justice Talwar committee observed interalia 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 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."

12-3.6 It is unfortunate that the Govt has not favourably considered 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.

## **5. Withholding of appeals**

12-4.1 As per Rule 16 of GDS Conduct & Employment Rules 2001, the provision of withholding of an appeal is in existence for GDS, where as no such provision for with holding appeal is available in CCS (CCA) Rule 1965. Justice Talwar Committee has also recommended amending the old Rule of 13 so as to bring it in conformity with Rule 26 of CCS (CCA) Rules 1965.

12-4.2 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.

**CHAPTER XIII**  
**MISCELLANEOUS MATTERS**

**1. Cycle Beat**

13-1.1. 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.

13-1.2 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 cycle beat formula which is irrational.

13-1.3 It is requested that this may be reviewed once again and the concession availed by the ED Agents century old may be reviewed.

**2. Idle wait for EDMCs**

13-2.1 In certain cases, the EDMCs 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.

13-2.2 The Dept of Posts in its letter No. 4-7/88. PE I (A) dt. 9.02.93 has stated interalia that the average detention may be computed by taking one month's figure in each quarter in respect of the detention of the ED Agents for mail exchange for computing their monthly allowances.

The above stated department order has not been reflected into action at various level.

13-2.3 We suggest instead of taking the detention period for fixing the allowances, some ex gratia like OTA may be paid to the ED officials retained beyond the working hours for mail exchange.

### **3. Uniforms**

13-3.1 The uniforms like departmental officials may be supplied to the out door ED officials like GDS MD, GDS MM etc so that it can identify their services to the public.

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

13-4.1 The 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.

13-4.2 However, the ED System is still in existence even in metropolitan cities. All such Posts should be upgraded to Group D/ Postmen and the incumbents be regularised in all major cities.

### **5. Engagement of ED mailmen in large Railway platforms**<sup>10-5.1</sup>

13-5.1 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 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 regularised into departmental Posts.

## **6. Fixed Stationery Charges**

13-6.1 The FSC now fixed for the Branch Postmasters / ED DA is insufficient. The FSC for the departmentalised Branch office (as per our proposal) may be fixed at par with C class office, and half the amount be fixed for the ED Branch offices. Similarly, the FSC fixed for postman may be paid to the GDS MD who is performing delivery duties.

## **7. Leave Travel Concession**

13-7.1 The Justice Talwar Committee has recommended that the Government may examine the feasibility of giving the facility of leave Travel concession to ED Agents.

13-7.2 Since GDS are unique to the department and they are performing similar duties of the departmental staff and totally depending upon the service, extension of such welfare schemes is a must to refresh and utilise their skill effectively for the service, the LTC facilities may please be extended to the GDS employees.

## **8. Lunch Break/ Rest**

13-8.1 The ED Agents 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.

## **9. Counting of Past Service**

13-9.1 At present no benefit of Past service is given to an ED Agent on promotion to a departmental post for the purpose of Pension or any other facilities where 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.

13-9.2 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.

13-9.3 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.

## **10. Syllabus for Postman Examination**

13-10.1 The syllabus prescribed for recruitment as Postman form ED Agents is given in Appendix 12 of the P&T Manual vol. IV. The test consists Mathematics to the standard of Matriculation, Postman Book entries and writing down a passage dictated. The Mathematics question paper requires relaxation. Only Simple Arithmetic questions will be sufficient to test the knowledge of the ED employees and the present Type of Mathematics Papers equivalent to matriculation is to be dropped. The syllabus should be therefore liberalised as is being done in the case of LGO examination by the Department of Posts.

## **11. Postal Asst. Examination**

13-11.1 At present 50% of the vacancies in the clerical cadre are filled from among the outsiders and the remaining 50 percent by departmental promotion from Postman/Group D, the vacancies remaining unfilled being diverted to the quota of direct recruits.

13-11.2 We suggest that instead of diverting the unfilled up vacancies to direct recruits, these vacancies shall be filled up among the GDS employees who possess 10+2 Qualification by conducting similar test without any age restriction etc.

13-11.3 If this suggestion is accepted it will not only improve the promotional avenues to the GDS but also pave way to fill up the vacant posts then & there and ensure efficiency of the department.

## **12. Festival Advance**

13-12.1 The ED Agents are granted with cycle Advance, Natural calamity Advances etc. Whereas they have not been granted with Festival advance. This may be granted.

## **13. Fan Advance**

13-13.1 The Group D working in Government offices are entitled to draw advance for the purchase of fan. This advance is sanctioned up to Group D level only. Therefore, the advance for purchase of fan may be made as admissible to GDS employees also.

## **14. Rent for Branch Post Office**

13-14.1 In fact a part of the premises has 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 is hardly available even on rent and that provision of adequate space should also be there for the Public to transact business.

13-14.2 The condition of possession of immovable property in the selection of ED BPM has been deleted and the BPMs have to provide accommodation for B.O at their own cost my incurring huge expenses.

13-14.3 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.

## **15. Combination of Duties**

13-15.1 The Justice Talwar Committee observed, "if the Branch Postmaster is to do delivery work or convey mails, he should not be paid 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' 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 ED DA performing the duties of BPM or that of an ED MC.

13-15.2 Whereas the same has not been considered favourably and the exploitation of labour still continues in the cases cited in Para Supra.

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

13-16.1 There are certain conditions for employment of GDS employees, which are arbitrary, unjust, and against the law of the land.

- (i) The condition for ED employment to ensure that one has an alternative source of income so that what he 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 for residence of the mail carrier in the station of the main Post office or originating or terminating office for EDMC or residing in the delivery jurisdiction is a farce. This should be deleted.
- (iii) The other condition to all ED agents to reside in or near the place of work should also be discontinued. In nutshell, the residential condition for ED employees should be dropped.

- (iv) The existing rule requires ED agents of all categories to furnish security of Rs. 2000 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 recovery of premium to the extent of Rs. 100/- per annum from the poorly paid GDS officials and credited to the Postal Societies.

## **17. Norms**

13-17.1 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 Account office and also for the remittance made by the B.O. This has resulted in loss of emoluments.

13-17.2 Justice Talwar Committee observed that though a lot of Rural PLI work is being done and over Rs. 700 crores of business was collected from the Rural PLI in 1995-96, it is a matter of regret that the Branch offices are not getting any credit and this has not even reflected in the income of Branch offices. Department may explore the feasibility of giving some time factor for the collection of premium which may be included in the workload of the Branch office. This has not been considered. Time and again, we are pleading time factor for the RPLI work similar to that of SB transactions at the branch offices be duly taken into account for point calculation and income & Cost of the BO. This should be considered and ensured.

**13-17.3** The application of Marathe Time Test to assess the workload of the Branch offices should continue.

## **18. Incentive for Promoting Small Family norms**

13-18.1 The Department has collected statistics during 1999 for consideration about 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.

**19. Incentive to GDS sports person.**

13-19.1 The GDS officials participating 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 allowed to complete their work one hour in advance.

13-19.2 The Special increments available to the whole time regular employees for their sports activities should be extended to the GDS officials also.

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

13-20.1 According to the Department of Post letter No. 62-90/87/LI dt. 21.1.88 the BPMs are entitled for reimbursement of the actual fare plus Rs. 10/- in case of clearing excess cash from B.O. to account office. This is arbitrary. The amount of Rs. 10/- paid for such incidence is very meagre. They should be granted TA / DA for such events or at least Rs. 100/- for the conveyance of cash taking risk for such clearance.

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

13-21.1 It was referred by the Department to Justice Talwar Committee vide its letter No. 17-111/90-ED & Trg. Dt 08.08.95 about non payment 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 allowance. 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 Group D employee. It is unfortunate that the said recommendation has not been implemented.

## **22. Counting of ED service towards Pension**

13-22.1 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 social security. This has not been implemented so far. This should be implemented.

## **23. Date of Superannuation**

13-23.1 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 employee. The committee has agreed and recommended the same. However this has not been implemented. This may please be implemented.

## **24. Remuneration for Excess work.**

13-24.1 The Department has referred to the Talwar committee to consider about 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.

## **25. Triennial review for assessing workload of GDS**

13-25.1 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.

**26. Counting of Service of GDS for grant of HBA**

13-26.1 The Government vide its letter No. 12-10/95-PAP dt- 11-95 referred the Talwar Committee to consider to count the service of ED employees for the purpose of grant of House Building Advance. 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.

**27. Deduction of Dues for Co-op Societies**

13-27.1 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 are 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 are stated to be non applicable for GDS. The GDS employees should be permitted to form their Societies and become 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.

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

13-28.1 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 & popularising 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.

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

13-29.1 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 humiliation and this should either be cancelled or waived.

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

13-30.1 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 Account 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 Account 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 Account 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 jeopardise the existing practice of the accounts of the Branch office being merged in the accounts of the Account office.

13-30.2 Like wise, the feasibility of the preparation of the 'registered list' by the Branch Postmaster may also be explored.

13-30.3 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 dire need to allocate more works to the Branch Post offices and make them attractive and becoming eligible for departmentalisation.

13-30.4 The Department of Posts is planning to Computerize 60% BOs in the next financial year or so, and this will now a far reaching impact on the functioning of the B.O- it self. The BPMS will have to be imparted with high -tech training in handling computer as well the softwares of the department. It will be necessary to transfer more responsibilities to BPMs in this background.

### **31. Problems of ED Mailmen in Urban Cities & larger platforms.**

13-31.1 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.

13-31.2 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.

13-31.3 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.

13-31.4 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 proposal for creation of all justified Group D Posts by clubbing the duties of the casual labourers / ED MMs.

13-31.5 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.

13-31.6 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.

## CHAPTER XIV

### TRAINING PROGRAMMES

14-1.1 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.

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:

#### **(1) Training programme for ED BPMS**

- (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. ED agents (Conduct & Service) Rules 1964.
- b. Current Postal rates.
- c. Public relations.

11-1.2 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 for 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.

## **(2) Training programme of ED Delivery Agents**

- 11-2.1 (i) Preparation & Submission of ED Delivery agents (MS 85)
- (ii) Maintenance of ED Delivery agents visit Book (MS 86)
- (iii) Maintenance of ED Delivery agents 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.

11-2.2 Even though the Training was prescribed, this has not been adhered to in practical. No proper Training is imparted to the newly recruited ED agents before inducted into job.

11-2.3 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) GDS employment & Conduct rules 2001. (For two Days)

- (ii) New projects launched and its importance to popularise the scheme at rural.
- (iii) PLI, RPLI & others.
- (iv) Public relations.

11-2.4 The Training institutions like PTC Mysore, PTC Madurai etc may be asked to devise a training capsule 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.

11-2.5 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.

11-2.6 Further, the in - service Training is absolutely necessary to equip the ED Agents 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 centres for this purpose.

## **CHAPTER XV**

### **FACILITIES TO BE PROVIDED TO THE PUBLIC**

15-1.1 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. The differentiation between EDSO & EDBO may be abolished.

15-1.2 We suggested earlier that rural Post offices may be considered as a public relations office and normal needs of public expected to be provided by the Central or State Governments and other local bodies my be made available like, collection of local taxes, Electricity Bills, provision of P.C.O. with STD facilities besides popularising the schemes of PLI, RPLI etc more effectively. This we can very well carryout in consultations with local Governments and public sector units. All the facilities as are normally expected of by public could be provided at the Rural Post office. Nation as a whole can be linked with this Postal communications net work.

15-1.3 The above suggestions are made based upon our practical experiences and close interactions with nature of duties of ED Agents 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 with no loss as afraid by the Department of Posts.

15-1.4 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**

15-2.1 The following items are required for the Branch Post Office:

- (i) Small iron chest embedded suitably at the Government Cost.
- (ii) Two chairs, a table and a stool.
- (iii) A wooden Box and a bench for Public and
- (iv) One small forms rack.

## **CHAPTER XVI**

### **TRADE UNION FACILITIES**

16-1.1 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.

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16-1.2 In 1957, the Government decided that ED Sub and Branch Postmasters being comparable to class III employees may become members of 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.

16-1.3 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 recognised, 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.

16-1.4 It was also agreed that if associations of ED employees want to have a separate Federation, this could be agreed to. However, this was not materialised.

16-1.5 Consequent on the general strike on 19.9.68, the recognition of the NFPTE and its affiliated unions was withdrawn. A separate union of ED agents known as National Union of ED agents was recognised in Oct 1968. This union became an affiliate of the second newly formed Federation of National P&T Organisations.

16-1.6 With the restoration of recognition of the NFPTE, 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.

16-1.7 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.

16-1.8 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 departmental or at national level.

16-1.9 After the Promulgation of CCS [RSA] Rules 1993, a separate set of recognition rules called as ED (RA) rules 1995 was framed for the verification of membership and recognition of GDS Union.

16-1.10 During 1999, the All India Postal ED Employees Union which was part & parcel of members of the P3, P4 R3 & R4 unions came out successful as a single largest recognised union for ED employees and no other union is recognised under the ED (RA) Rules 1995.

16-1.11 After according recognition to the AIPEDU union, many of the Trade union facilities are not being extended to the representatives of the union. We are placing the demands on behalf of the Federations.

- (i) Grant all Trade union facilities to the recognized unions representing ED employees and the grant of right to affiliate with Federations.

- (ii) Conferring on all ED 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 duty.
- (iii) Recovery of union subscriptions from the pay rolls and ensuring full remittance as per the assurances of the check off system.
- (iv) The facility of deputation to the union on 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.

## **CHAPTER XVII**

### **CONCLUSION**

17-1.1 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 of 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 their rightful dues.

17-1.2 We have relied upon various judicial pronouncements including the Honourable Apex Court and the observations and recommendations of Honourable Justice Charanjit Singh Talwar to emphasis 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.

17-1.3 We have indeed made a serious effort to put before the Commission that departmentalisation of ED 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.

17-1.4 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 2.75 lakhs of Gramin Dak Sevaks should not be neglected under the name of commercialisation of Postal Services to make profits only in the name of neo-liberalization policies pursued by the Government.

17-1.5 We conclude with the famous quote of Honourable Justice Charanjit Singh Talwar, "The weak and downtrodden need protection".

