



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.(MD) No.4896 of 2014

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1.All India Association of Postal Drivers and
Artisans,
Rep. by its Secretary,
Mail Motor Service,
CHQ, Dindigul -624 001,
Dindigul District.

2.R.Selvaraj ...Petitioners
Vs.

1.Union of India,
Rep. by the Director General of Posts,
Department of Posts,
Ministry of Communications & IT,
Government of India,
Dak Bhavan, Sansad Marg,
New Delhi -110 001.
2.Assistant Director General (Estt),
Department of Posts, (Establishment Division),
Ministry of Communications & IT,
Government of India,
Dak Bhavan, Sansad Marg,
New Delhi -110 001.

3.The Principal Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai, Chennai - 600 002. ...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus calling for the records relating to the proceedings made in O.A.No.1345 of 2011 on the file of Central Administrative Tribunal, dated 09.04.2013, quash the same, further direct the respondents herein to revise the rate of overtime allowance to the members of 1st petitioners association in the light of its representation, dated 01.06.2011 within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.R.Sundar

<https://hcservices.ecourts.gov.in/hcservices/> For Respondents : Mr.R.Munyappan

**O R D E R**

[Order of the Court was made by **T.S.SIVAGNANAM, J**]

The petitioners are two in numbers. The first petitioner is an association of All India Association of Postal Drivers and Artisans and the second petitioner is a driver working in the second respondent department. The petitioners approached the Central Administrative Tribunal (hereinafter referred as the Tribunal) challenging the order dated 15.07.2011, by which the request for revision of rate of Overtime Allowances (OTA) was not considered and the decision was taken to continue the scheme OTA for the time being without revising the rate of OTA and ceiling prescribed under the 4th CPC till performance incentive schemes are formulated and implemented. The petitioners also sought for a consequential direction in the original petition to direct the respondents to revise the OTA on par with the 5th and 6th Pay Commission Pay Scales to the Drivers and Artisans working in the Postal Department all over India and to pay the arrears of OTA.

2. The case was projected on the benefits which was extended to the drivers working in the railways and to the drivers working in the defence department. The respondents resisted the application by contending that the Committee of Secretaries were constituted to look into the OTA issue and they have taken a decision to continue the Scheme of OTA for the time being without revising the rate of OTA and ceiling prescribed under 4th Pay Commission. With regard to the decision taken by the Railway Board, the respondent resisted that it took an independent decision. So far as the Ministry of Defence is concerned, the respondent stated that pay slabs were revised under the statutory provisions of the Factories Act, 1948 which would not applicable to the Department of Posts.

3. The Tribunal after giving the factual position, by the impugned order, rejected the original application solely on the ground that it is a policy decision to be taken by the Government represented by the Director General of Posts, Ministry of Communications & IT.

4. The impugned order does not reject the prayer sought for by the petitioner, but deferred the matter as per the decision of the Committee of Secretaries. Therefore in our considered view, even it is a policy decision, it is for the first respondent to take a decision in the matter, especially when the Railway Board has taken an independent decision, there is no bar for the first respondent also to consider the claim made by its employees.

5. For the above reasons, we inclined to interfere with the order passed by the Tribunal and the Writ Petition is allowed, the impugned order is set aside and the first respondent is directed to take an appropriate decision on the petitioner's request for



which, the second respondent is directed to put up all the relevant papers, within a period of 8 weeks from the date of receipt of a copy of this order. No costs.

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Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

- 1.Union of India,
Rep. by the Director General of Posts,
Department of Posts,
Ministry of Communications & IT,
Government of India,
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 - 2.Assistant Director General (Estt),
Department of Posts, (Establishment Division),
Ministry of Communications & IT,
Government of India,
Dak Bhavan, Sansad Marg,
New Delhi -110 001.
 - 3.The Principal Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai, Chennai - 600 002.
- +1cc to Mr.R.Sundar,Advocate in SR.51528
+1cc to Mr.R.Muniappan,Advocate in SR.51592

W.P.(MD) No.4896 of 2014
11.04.2017

JIKR
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