

**COMMITTEE
ON
GOVERNMENT ASSURANCES
(1996)**

202

TENTH LOK SABHA

**THIRTY EIGHTH REPORT
ON
STRIKE BY POSTAL EMPLOYEES**

(Presented in Lok Sabha on February 27, 1996)



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**LOK SABHA SECRETARIAT
NEW DELHI**

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LOK SABHA

C O R R I G E N D A

to the Thirty Eighth Report of the Committee
on Government Assurances (1996)-Tenth Lok Sabha.

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Page No.	Para No.	Line No.	Correction
2	10(11)	1	<u>For</u> Order lies <u>read</u> Orderlies
5	10	3	<u>For</u> serie <u>read</u> series
6	15	3	<u>For</u> subistance <u>read</u> subsistence
6	17	1	<u>For</u> asked this <u>read</u> asked whether this
7	22	5	<u>For</u> the attributed <u>read</u> attributed
7	23	1	<u>For</u> asked this <u>read</u> asked whether this
9	34	5	<u>For</u> further diluted <u>read</u> diluted further
9	35	1	<u>For</u> observe <u>read</u> observed
10	36	1	<u>For</u> observe <u>read</u> observed
24	(11)	line 4 of present position/ comments	<u>For</u> utilise <u>read</u> utilised
8	26	1	<u>For</u> 23,197 <u>read</u> 23,297

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COMPOSITION OF THE COMMITTEE ON GOVERNMENT ASSURANCES* (1996)

CHAIRMAN

Shri Basudeb Acharia

MEMBERS

2. Shri Vishveshwar Bhagat
3. Shri Gurcharan Singh Dadhahoor
4. Shri Santosh Kumar Gangwar
5. Shri P.P. Kaliaperumal
6. Shri Prabhu Dayal Katheria
7. Shri Shailendra Mahto
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9. Shrimati Suryakanta Patil
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13. Shri Asht Bhuja Prasad Shukla
14. Shri Ummareddy Venkateswarlu
15. Shri V.S. Vijayaraghavan

SECRETARIAT

Smt. Reva Nayyar — *Joint Secretary*
Shri P.D.T. Achary — *Director*
Shri Mange Ram — *Under Secretary*
Km J.C. Namchyo — *Committee Officer*

* The Committee was nominated by the Speaker w.e.f. 4 February, 1996 *vide* para 4512 of Lok Sabha Bulletin Part-II dated 29.1.1996.

INTRODUCTION

I, Chairman of the Committee on Government Assurances having been authorised by the Committee to submit the Report on their behalf, present this Thirty-Eighth Report of the Committee on Government Assurances.

2. The Committee (1996) was constituted on February 4, 1996.

3. The Committee took oral evidence of the representatives of the Ministry of Communications (Department of Posts) as also the representatives of the Postal Employees Federations/Associations on December 21, 1995 and January 8, 1996 respectively in respect of an assurance given in reply to Unstarred Question No. 676 on February 28, 1994 regarding strike by Postal Employees.

4. At their sitting held on February 20, 1996, the Committee considered and adopted the draft Thirty-Eighth Report.

5. The minutes of the aforesaid sittings of the Committee form part of the Report (Appendices).

6. The conclusions/observations of the Committee are contained in this Report.

7. The Committee wish to express their thanks to the officials of the Ministry of Communications, Department of Posts and the representatives of the Postal Employees Federation for their co-operation. The Committee also accord appreciations to the Secretariat staff/officers for the services rendered by them to the Committee in finalisation of this report.

NEW DELHI;
February 20, 1996

Phalgun 1, 1917(S)

BASUDEB ACHARIA,
Chairman,
Committee on Government
Assurances.

REPORT

STRIKE BY POSTAL EMPLOYEES

1. On February 28, 1994 the following Unstarred Question No. 676 was given notice of S/Shri Hannan Mollah, Devi Bux Singh and Smt. Bhavana Chikhalia, MPs for answer by the Minister of Communications:

- “(a) whether the postal employees had taken part in a nation wide strike during the recent past;
- (b) if so, the details of their demands; and
- (c) the action taken or proposed to be taken by the Government thereon?”

2. The Minister of State in the Ministry of Communications (Shri Sukh Ram) gave the following reply:—

“(a) Yes, Sir.

(b) The following was the charter of Demands given by the Postal Employees Federations/Associations:—

1. Demands of Extra Departmental Employees

- (i) Introduction of Scales of Pay for all categories of extra departmental employees.
- (ii) Counting of E.D. service.
- (iii) Grant of Pension/Statutory Gratuity.
- (iv) Grant of subsistence Allowance
- (v) Grant of leave with Pay.

2. Biennial Cadre Review

- (i) Upgrading of 10% of HSG-II posts to HSG-I.
- (ii) Revision of scale of Pay of Postmen and allied cadres placed in BCR Rs. 1200-1800.
- (iii) Retention on age of superannuation at 60 for Group ‘D’ officials placed in BCR scale of Rs. 950-1400.

3. Privatisation Mechanisation and Computerisation

- (a) Strict adherence to Clause 7(d) of Strike settlement dated 12.7.1987.

- (b) Dropping of all schemes for privatisation of services like:—
 - (i) Licensing of private agents to perform Postal and RMS work in urban and rural areas.
 - (ii) Privatisation of mail conveyance displacing Mail Motor Service.
 - (iii) Employing non-postal employees including retired personnel for performing Postal and RMS work.
 - (iv) Scrapping the system of presorting by bulk mailers.
- (c) Advance increments and incentives to all the staff connected with mechanised and computerised areas.
- (d) Reduction of working hours for the staff.
- 4. Dropping of all proposals to tighten the existing norms and restoration of pre-tightened norms wherever the time factor has been reduced.
- 5. Sanction of justified posts in all cadres and filling up the existing and future vacancies.
- 6. Coverage of Time-bound Promotion scheme to:—
 - (i) Circle Office cadres.
 - (ii) Mail Motor Service cadres.
 - (iii) Non-test category staff and other excluded cadres.
- 7. Revision of Bonus Formula.
- 8. (i) Grant of hourly O.T.A. rates for Postmen for work done on absentee Beat and holiday duties.
- (ii) Removal of ban on O.T. duty in Post Offices.
- 9. Casual and Part-time employees
 - (i) Coverage of orders on Temporary Status to the casual labourers working for less than 8 hours a day.
- 10. Problems of Part-time employees:
 - (i) Restructuring of Inspectors/Assistant Superintendents Cadres.
 - (ii) Restoration of Mail Overseers and Orderlies to IPOs/ ASPs.
 - (iii) Raising the scale of pay of Senior Accountants of the Postal Accounts Offices to Rs. 1640/- to Rs. 2900/-
- (c)1. In pursuance of discussions held with the Employee's Federations/Associations, the Government has already issued orders conceding the following demands:—
 - (i) Extra Departmental Branch Postmasters whose work-load exceeds 90 points have been compensated by a graded scale upto 100 points.

- (ii) Group 'D' officials, on promotion to Biennial Cadre Review, have been given the option of selecting the scale of pay of Rs. 950-1400 or Rs. 800-1200. In case they choose the former, they will retire at the age of 58 years; and in case they choose the latter, they will continue to be deemed as Group 'D' and retire at 60 years.
- (iii) Officials who work on multipurpose counter machines will be given a Machine Allowance of Rs. 100 per month irrespective of their pay scale.
- (iv) Holiday Duty Allowance of postmen has been increased from Rs. 25/- to Rs. 36/-. The allowance for combination of beats, if the beat is shared by two postmen, each postman will get Rs. 12/-.
- (v) Extra Departmental Agents have been given Interim Relief of Rs. 50/- per month w.e.f 16-9-93.
- (vi) Extra Departmental Agents who were recruited prior to 25.8.1987 have been made eligible to appear in promotion examination even if they have not acquired the Matriculation qualification.
- (vii) The scheme of placing the staff car drivers in three different grades announced by the Department of Personnel and Training has been made applicable to drivers, including drivers in the Mail Motor Service, of the Department of Posts.
- (viii) Orders have been issued that no new bulk mail centres would be opened, without consultation with the staff side.
- (ix) The scheme of Time Bound One Promotion and Biennial Cadre Review had already been extended to Group 'C' posts in Circle Office cadre.

2. The following demands are under consideration of the Government:—

- (i) Upgradation of 10% of Higher Selection Grade-II (HSG-11) posts to HSG-I
- (ii) Introduction of system of Contributory Provident Fund for the Extra Departmental Agents with subscribers contribution and matching contribution by Government.
- (iii) Relief to extra departmental officials who are put off duty and who are subsequently reinstated.
- (iv) Revision of the Biennial Cadre Review and pay scale of the postmen cadre to Rs. 1200-1800.
- (v) Sanction of justified posts and filling up of existing and future vacancies.

3. The Government has also agreed to appoint an Extra Departmental Committee after the constitution of the Pay Commission with an outsider as its Chairman to consider all other demands of the Extra Departmental Agents. The terms of reference of this Committee will be finalised in consultation with the Postal Employees Federation. It has also been agreed that the Committee will be asked particularly to examine the demand for grant of pension to extra departmental agents and made recommendations thereon.

4. The Government has also agreed to consider sympathetically, in consultation with the Employees' Federations, all other demands relating to the departmental postal employees included in the charter of demands which are not already covered above.

3. Para 2 to 4 of part (c) of the above reply to the question was treated as an assurance and was required to be implemented within three months.

4. As the assurance remained pending, the Committee on Government Assurances (1995-96) decided to take oral evidence of the representatives of the Ministry of Communications (Department of Posts) as well as the representatives of the Postal employee. The Committee took oral evidence of the representatives of the Ministry of Communications (Department of Posts) at their sitting held on December 21, 1995 and the representatives of Postal Employees Federations on January 8, 1996 respectively.

5. During evidence with the representatives of the Ministry of Communications (Department of Posts), the Committee desired to know the date on which the agreement for calling off the strike by the Postal employees was entered into. In reply, the Secretary (Posts) stated that date as 10 December, 1993.

6. In a written note furnished to the Committee, Ministry of Communications (Department of Posts) stated that no formal agreement was signed between the representatives of the Federations and the Department of Posts before calling off Postal Strike in 1993. However, a communication signed by the Secretary General of three Federations etc. was received by the Department withdrawing the strike w.e.f. 5.00 P.M. on 10.12.1993. The Department of Posts also clarified in respect of the demands on which Board agreed to issue orders and examine the remaining demands of the Postal employees. The details are given in Annexure-I.

7. When asked to explain the reason for taking a long time in appointing Committee to examine the demands in regard to Extra Departmental Employees the Secretary explained that the employees in 1994

demanding that it should be headed by a Retd. Judge. The Committee was further informed that 5 to 6 judges had refused it and then the Government persuaded Shri Charanjit Singh Talwar, a retired judge of the High Court who accepted the assignment.

8. When enquired whether any terms of reference were finalised and any agreement in regard to these terms of reference drawn, the representative stated that staff associations and unions were consulted in framing the terms of reference of the Committee.

9. However, when the Committee desired to know from the Postal Employees' Federation whether they had demanded at the time of agreement with the Ministry while calling off the strike that the ED Committee should be headed by a judge. The representative of the Bhartiya Postal Employees' Federation stated that initially they had requested the Ministry of Communications, Department of Posts for referring the matter to the Fifth Pay Commission when he had invited suggestion for terms of reference for ED Committee. As the Department of Posts did not agree to refer the matter to the Fifth Pay Commission, the Postal Employees' Federation requested for an independent Commission headed by a judge.

10. Another witness representing the National Federation of Postal Employees' further added that the terms of reference for the Committee were decided unilaterally although there were a series of discussions when the terms of reference were finalised, Social Security Scheme was mentioned instead of Pension Scheme. The Committee were also informed that granting of Pension to ED agents was the bone of contention and it was the topic of discussion with the Minister of Communications before the postal strike was called off.

11. When asked whether the Pension Scheme for ED employees could not be introduced because of the objection raised by the Ministry of Finance, the representative of the Postal Employees' Union stated that they were never informed, not even in the Standing ED Commission that the proposal was rejected. On the contrary, they were advised to take up that issue with the ED Commission to strengthen their case.

12. When the Committee asked whether the matter was referred to for arbitration when no decision has been taken by the Standing ED Commission, it was informed they were not given the right upto that date and desired that a clause to this effect should be added in the terms of the Standing Commission.

13. In regard to introduction of a system of Contributory Provident Fund for extra departmental agencies, the representative of the Department of Posts stated that the same has been referred to the ED Committee as a part of the social security benefit. When the Committee desired to know why the contributory provident fund system for ED agencies cannot be introduced when it is available for private sector employees, the representative of the Ministry stated that the Extra Departmental employees cannot

have all the privileges and perquisites which are available to regular Government employees as a distinction had to be maintained between the two groups. It was further stated that one of the arguments raised for not implementing the demand was that it was only meant for non-pensionable establishments.

14. In this regard, the representative of the National Federation of Postal Employees stated that there already existed a Standing Committee in the Department of Posts particularly on EDAS wherein it was clarified that the Provident Fund Scheme would be introduced without referring the matter to the ED Committee. But the same has not been implemented. The Committee were also informed that orders for *ex-gratia* payment to ED staff who were put duty and subsequently reinstated have been issued.

15. On January 15, 1996 the General Secretary, Bhartiya Extra Departmental Employees' Union furnished a photo copy of the Supreme Court Orders dated 25.7.1995 regarding subsistence allowance for the Extra Departmental Employees who remained off duty. The text of the orders of hon'ble Court are reproduced in the (Annexure II).

16. When the Committee desired to know whether introduction of scales of pay in the categories of Extra Departmental Employees has been incorporated in the terms of reference for ED Committee, the representative of the Federation stated that the Committee is supposed to look into the service conditions of Extra Departmental agents and suggest changes if considered necessary.

17. When asked this matter was taken up with the Ministry, the representative of the employees stated that their demand for introduction of pay scales for all categories has been submitted to the ED Commission, which is a Standing Committee for ED employees consisting of Chairman, Postal Board as the Chairman and two members from each Federation.

18. When asked whether a change in the recruitment rules in respect of the ED employees has been suggested, the representative of the Employees Federation replied in the affirmative and also informed that the recruitment rules were framed during the British time.

19. When queried whether the Group 'D' employees are recruited from the ED staff, the representative stated that it was so but the average is less than one percent. In regard to sanction of justified posts for filling up the existing and future vacancies, the representative of the Department of Posts stated that sanction of justified posts is an on-going process and whenever there is a justification, it is taken up with the competent authorities.

20. When asked how many posts have been sanctioned since December 1993, the representative replied in the negative. He, however, replied in affirmative when queried whether the Departmental staff were being asked to do overtime. When pointed out that quite a sum is spent on overtime and since 1984 not a single post has been sanctioned, the representative stated that more than 5000 posts have been sanctioned since then. When

asked why not a single post has however been sanctioned during the last two or three years, the representative stated it was a question of processing the cases and getting the statistics. It was also informed that it takes about two years to process the cases and it takes time to collect the work load statistics which are maintained at post offices.

21. Asked how could they press for additional posts when processing of the posts takes about two years time, the representative replied that some exercise has been going on and the progress is satisfactory.

22. The Committee thereafter enquired whether because of non-functioning of posts, postal system is not functioning smoothly and difficulty was being faced in carrying out the work. To this, the representative of the Ministry stated that there were variety of circumstances for deterioration of postal services. One thing the attributed was late running of trains, buses and aeroplanes on which the Department of Posts depend for carrying the mail. He further stated that in some states, the State Transport buses refuse to carry mail despite the fact that the State Transport rules stipulates that the authority can stop to renew the licence of a service or a bus if they refuse to carry mail.

23. When asked this matter was taken up with the concerned authority, the representative stated that they took up the matter repeatedly with various authorities including the Ministry of Surface Transport but without any tangible result. The other reason advanced by the representative of the Ministry was lack of a positive attitude on the part of employees.

24. In regard to upgradation of HSG-II posts to HSG-I posts, the Committee desired to know whether 3 per cent upgradation had been done. To this, the representative of the Department of Posts stated that orders were issued for upgradation of posts on 6 November, 1995. When asked the reasons for upgrading only 3 per cent whereas the demand for upgradation was for 10 per cent, the representative explained that such decisions were taken in consultation with nodal ministries and it was on the overall consideration of the demand that it was decided to upgrade only 3 per cent.

25. When the Committee desired to know about the parity with the Department of Telecommunications, the representative replied that certain additional powers have been vested in the Telecom Commission whereas the Department of Post is treated as any other Department of the Government. The representative however, conceded that the demand of the Postal Employees has been partially fulfilled and the Department of Posts would continue to press for the total fulfilment of the demand for upgradation of 10% of HSG-II posts.

26. The Committee have also been informed that there was no system of upgrading the posts prior to agreement and that demand for upgradation of posts was only after there was an upgradation of 10 per cent of HSG-II posts in the Department of telecommunications. The Committee were further informed that the total number of HSG-I employees who have put

in 26 years service was 23, 197 and included those who were automatically upgraded under the biennial cadre review. As such it was stated that 2 per cent of HSG-II posts works out to 699 out of which 491 posts were already existing and order for upgradation of 208 posts was issued in November, 1995.

27. When asked as to the rationale for demanding upgradation of 10 per cent of HSG-II Posts to HSG-I Posts, the witness representing Bharatiya Postal Employees Federation stated that they demanded 10 per cent posts as it was allowed in case of Telecommunication Department in 1991.

28. When the Committee pointed out that the Department of Posts was willing to upgrade 10 per cent Posts but for the objection raised by the Ministries of Personnel and Finance they upgraded only 3 per cent, the representative stated that earlier in the Department of Telecommunications there was no HSG-I Post where as the Postal Employees were enjoying the facility of HSG-I Posts in accordance with the works and norms accepted by the Government. According to the representative of the federation, upgradation of HSG-II post to HSG-I post has got no relation with the works and norms. It was however, the outcome of bilateral agreement in 1983 that all the postal and telecom workers would be given first promotion after completion of 16 years, another after 26 years and third promotion would be in the shape of upgradation of HSG-II post to HSG-I. It was further stated that the Department of Telecommunications have implemented all these agreements but the Department of posts had not. The representative further stated that the Department of Posts have only upgraded less than one per cent and not three per cent as claimed by the Department as existing HSG-I posts have been counted to make it 3 per cent.

29. Another witness representing the All India Postal Employees Union Cl. III & ED stated that upgradation of 10 per cent HSG-II posts should mean 2300 posts out of 23,000 BCR posts so that an employee with 26 years of service could get the next higher pay scale. In regard to agreement about the creation of the posts of Postmen in the scale of Rs. 1200-1800, the witness representing the Bhartiya Postal Employees Federation stated that the matter was being referred to the Fifth Pay Commission whereas linemen in the Department of Telecommunications were already getting that pay-scale which is being denied to postmen.

30. The Committee note that on February 28, 1994 the Minister of State in the Ministry of Communications gave an assurance that the demands viz (i) Upgradation of 10% of Higher Selection Grade-II (HSG-II) posts to HSG-I; (ii) Introduction of contributory Provident Fund Scheme for the Extra Departmental Agents laying down a minimum contribution of subscribers with a matching contribution by Government; (iii) Relief to extra departmental officials who are put off duty and who are subsequently reinstated; (iv) Revision of the Biennial Cadre Review and Pay-

scale of the postmen cadre to Rs. 1200-1800; (v) Sanction of justified posts and filling up of existing and future vacancies were under consideration of the Government.

31. In addition to this, another assurance was also given that Government has also agreed to consider sympathetically, in consultation with the Employees' Federations all other demands relating to the Departmental Postal Employees included in the charter of demands which had not already been covered.

32. The Committee, however, note that the assurance is still pending although a considerable time has lapsed and no concrete decision has been taken on the major charter of demands of the employees of the Department of Posts. The Committee also take a note of the fact that the Nation-wide strike of the Postal Employees was called off by them in pursuance of the verbal assurance given by the Minister. There is no denying of the fact that grant of Pension/Contributory Provident Fund Scheme for the Extra Departmental Employees was the bone of contention and it was the crucial issue which came up for discussion with the Minister of Communications before the Postal Strike was called off. The committee have been informed that the Ministry of Finance had not accepted the proposal of Contributory Provident Fund Scheme for the extra Departmental Employees of the department of posts but it has been included in the terms of reference of the ED Committee.

33. The Committee express their displeasure that the Government first made a commitment and later on backed away from fulfilling it because of the reservations shown by the Ministry of Finance. The Committee feel that the Government is collectively responsible and it is not a healthy sign that one Ministry proposes and another disposes. Commitments made by one Ministry has to be honoured by the Ministry of Finance and the Government also should not go back on the assurance given to the Parliament House.

34. The Committee find that grant of subsistence allowance is also pending although a number of judgements have been delivered by the Central Administrative Tribunal (CAT) in this regard. On a special leave petition, the Supreme Court has also upheld the decision of the CAT. The Committee feel that this issue should not be further diluted and the Union of India should grant the subsistence allowance in compliance with the judgement of the Supreme Court.

35. The Committee also observe that the grant of leave with pay to Extra Departmental Employees is another burning issue which should be looked into immediately and sympathetically and orders in this regard be issued without delay. The Committee find that the issue of introduction of Scales of pay of all categories of extra departmental employees is pending with the Committee headed by Justice Shri Charanjit Talwar. The Committee hope that something concrete will emerge out very soon in this regard.

36. The Committee also observe that the demand of upgradation of 10% posts of Higher Selection Grade-II (HSG-II) to HSG-I is one of the genuine demands. The proposal of the Ministry of Finance to reduce the 10% posts to 3% is untenable and unjust. The demands of 10% posts in Biennial Cadre Review from HSG-II to HSG-I may be considered favourably. The Committee do not appreciate the stand taken by the Government for creating 208 selection grade posts, which is just equal to 1% of the total existing posts. The Committee do not appreciate the logic of including existing selection grade posts to make it 3%, and observe that the matter should be resolved once for all in consultation with the representatives of the Federations and the Committee be apprised of the decision taken in this regard.

37. The Committee wish that the Union of India should take a positive and a final decision on each of the demands pending with them within one month's time from the date of presentation of this report. The Committee hope that the Union of India shall take into confidence the representatives of the three federations before arriving at any decision on the demands of the Extra Departmental Employees as well as other departmental employees of the Department of Posts.

New Delhi;
February 20, 1996

Phalgana 1, 1917 (Saka)

BASUDEB ACHARIA,
Chairman,
Committee on Government Assurances.

APPENDIX I

MINUTES

Twenty-Second Sitting

MINUTES OF THE SITTING OF THE COMMITTEE ON GOVERNMENT ASSURANCES HELD ON DECEMBER 21, 1995 IN COMMITTEE ROOM 'B', PARLIAMENT HOUSE ANNEXE, NEW DELHI

The Committee met on Thursday, December 21, 1995 from 15.00 hours to 16.00 hours.

PRESENT

Shri Basudeb Acharia — *Chairman*

MEMBERS

2. Shri Santosh Kumar Gangwar
3. Shri Prabhu Dayal Katheria
4. Shri Shashi Prakash
5. Shri V.S. Vijayaraghavan

SECRETARIAT

1. Shri P.D.T. Achary — *Director*
2. Shri Mange Ram — *Under Secretary*
3. Ms. J.C. Namchyo — *Committee Officer*

MINISTRY OF COMMUNICATIONS (DEPARTMENT OF POSTS)

NAME OF THE REPRESENTATIVES & DESIGNATIONS

1. Shri S.C. Mahalik — *Secretary (Posts)*
2. Shri S.K. Acharya — *Deputy Director-General (Personnel)*
3. Shri Harindc. Singh — *Deputy Director-General (PO)*

2. The Committee took oral evidence of the representatives of the Ministry of Communications, Department of Posts in connection with the non-implementation of an assurance given on February 28, 1994 in reply to Unstarred Question No. 676 in respect of Strike by postal employees.

3. At the outset, the Committee desired to know the date on which the agreement for calling off the strike by the postal employees was entered into. In reply, the Secretary (Posts) stated the date as 10 December, 1993.

4. When asked the reason for taking a long time in appointing a Committee to examine the demands in regard to extra departmental employees, the Secretary explained that the demand of the employees in 1994 was that it should be headed by a judicial person. The Government could persuade Shri Charanjit Singh Talwar, a retired judge of the High Court to accept the assignment after 5 to 6 judges refused it.

5. When enquired whether any terms of reference were finalised and any agreement in regard to these terms of reference drawn, the representative stated that staff associations and unions were being fully consulted in framing the terms of reference of the Committee.

6. When it was pointed out that the terms of reference suggest some changes in the method of recruitment of Extra Departmental Employees and desired to know the system prevalent for recruitment of those employees and how they differ from the recruitment process of the permanent staff, the representative explained that a short list was called for from the respective employment exchange for appointment of Branch Post Master and other extra departmental posts like postman etc. The prescribed educational qualification for the extra departmental Branch Post Master was Matriculation and for others it was VIII standard and they should have some kind of avocation. In case of the departmental staff the witness submitted that recruitment is made by direct recruitment and by promotion from the lower grades.

7. In regard to introduction of system of Contributory Provident Fund for extra departmental agencies, the representative stated that the same has been referred to the ED Committee as a part of the social security benefit. When the Committee desired to know why the contributory provident fund system for ED agencies cannot be introduced when it is available for private sector employees, the representative of the Ministry stated that the Extra Departmental employer cannot have all the privileges and requisites of regular government employees as castination had to be maintained between the two groups. It was further stated that one of the arguments raised for not agreeing to the demand was that it was not meant for non-pensionable establishments. Regarding the ED staff who were put off duty and were subsequently reinstated the representative stated that orders for ex-gratia payment have been issued. It was also clarified that the ED agents were put off their duty on account of mis-demeanour and for misappropriation and not on taking part in the strike. In regard to revision of cadre review scale of the postman cadre to Rs. 1200—Rs. 1800 the representative stated that the matter has been referred to the Fifth Pay Commission. In regard to sanction of justified posts for filling up the existing and future vacancies the representative stated that sanction of

justified posts is an on-going process and whenever there is a justification, it is taken with competent authorities.

8. When asked how many posts have been sanctioned since December 1993, the representative replied in negative. He, however, replied in affirmative when queried whether the Departmental staff were being asked to do overtime. When pointed out that quite a sum is spent on overtime yet since 1984 not a single post has been sanctioned, the representative stated that more than 5000 posts have been sanctioned since then. When asked why not a single post has however been sanctioned during the last two or three years, the representative stated it was a question of processing the cases and getting the statistics. It was also informed that it takes about two years to process the cases and it takes time to collect the workload statistics which are maintained at post offices.

9. Asked how could they press for additional posts when for justifying the posts only about two years time are taken, the representative replied that some exercise has been going on and it was progressing well.

10. In regard to upgradation of HSG-2 posts to HSG-I posts, the Committee desired to know whether 3 percent upgradation had been done. To this, the representative stated that orders were issued for upgradation on 6 November, 1995. When asked the reasons for upgrading only 3 percent whereas the demand for upgradation was for 10 percent, the representative explained that such decisions are taken in consultation with nodal ministries and it was on the overall consideration of the demand it was decided to upgrade only 3 percent.

11. When the Committee desired to know whether it was the same in the case of Tele-communications, the representative replied that certain Additional Powers have been vested in the Telecom Commission whereas the Department of Post is treated as any other Department of the Government. The representative, however, stated that the demand of the Postal Employees has been partially fulfilled and the Department of Posts would continue to press for the total fulfilment of the demand for upgradation of 10% of HSG-II posts.

12. The Committee have also been informed that there was no system of upgrading the posts prior to agreement and that demand for upgradation of posts was only after there was an upgradation of 10 percent of HSG-II posts in the Department of Telecommunications. The Committee were further informed that the total number of HSG-I employees who have put in 26 years service was 23,297 and included those who were automatically upgraded under the biennial cadre review. As such it was stated that 3 percent of HSG-II posts works out to 699 out of which 491 posts were already existing and order for upgradation of 208 posts was issued in November 1995.

13. The Committee thereafter enquired whether because of non-functioning of postal system, some kind of difficulty was being faced in carrying out the work. To this, the representative stated that there were a variety of circumstances for deterioration of postal services. One thing he attributed was late running of trains, buses and aeroplanes on which the Department of Posts depend for carrying the mail. He further stated that in some States, the State Transport buses refuse to carry mail despite the fact that there exists or condition in the State Transport rules that the authority can refuse to renew the licence of a service or a bus if they refuse to carry mail.

14. When asked whether this matter was taken up with the concerned authority, the representative stated they took up the matter repeatedly with various authorities including the Ministry of Surface Transport but without any result. The other reason attributed by the representative of the Ministry for deterioration of postal services was lack of attitude of the employees.

15. *The Committee then adjourned.*

APPENDIX—II

MINUTES

Twenty Thlrd Sitting

MINUTES OF THE SITTING OF THE COMMITTEE ON GOVERNMENT ASSURANCES HELD ON JANUARY 8, 1996 IN COMMITTEE ROOM NO. 'B', PARLIAMENT HOUSE ANNEXE, NEW DELHI.

The Committee met on Monday, January 8, 1996 from 15.00 hours to 16.15 hours.

PRESENT

Shri Basudeb Acharia

Chairman

MEMBERS

2. **Shri Gurcharan Singh Dadhahoor**
3. **Shri Santosh Kumar Gangwar**
4. **Shri Prabhu Dayal Katheria**
5. **Smt. Suryakanta Patil**
6. **Shri Asht Bhuja Prasad Shukla**
7. **Shri Ummareddy Venkateswarlu**
8. **Shri V.S. Vijayaraghavan**

SECRETARIAT

1. **Shri Mange Ram - *Under Secretary***
2. **Ms J.C. Namchyo - *Committee Officer***

REPRESENTATIVES OF THE UNION/FEDERATIONS OF POSTAL DEPARTMENTS

All India Postal Employees Union Postmen CL-IV & EDA

1. **Shri Mahinder Singh Rahi — *Financial Secretary.***
2. **Shri Des Raj Sharma — *Treasurer, NFPE***
3. **Shri P. Lahiri — *Asstt. General Secretary, IIRMS-MMS Union Class-III.***
4. **Shri Bhim Singh Sharma — *Organising Secy.***

All India Postal Employees Class-III & ED

1. **Shri Nani Bancrjee — *Dy. General Secretary.***

Bharatiya Postal Employees Federation

1. Shri B.D. Pruthi — *Secy. General*
2. Shri Sunder Das — *General Secretary (R-III)*
3. Shri V.S. Yadav — *General Secretary*
4. Shri R.P. Malhotra — *Treasurer, All India, NFPE.*
5. Shri R.L. Bhattacharya — *Dy. Secretary General, NFPE.*

2. At the outset, the Committee desired to know whether the Postal Employees Federation had demanded at the time of agreement while calling off the strike that the ED Committee should be headed by a judicial person. In reply, the representatives of the Bharatiya Postal Employees Federation stated that initially they had requested the Ministry of Communications, Department of Posts for referring the matter to the Fifth Pay Commission when they invited suggestion for terms of reference of ED Committee. When the Department of Posts did not agree to refer the matter to the Fifth Pay Commission, the Postal Employees Federation requested for an independent Commission headed preferably by a judge.

3. Another witness representing the National Federation of Postal Employees further stated that the terms of reference of the Committee were decided unilaterally although there was a series of discussions. When the terms of reference were finalised, Social Security Scheme was mentioned and not the Pension Scheme. Granting of Pension to ED agents was the bone of contention and it was the topic of discussion with the Minister of Communications before the Postal Strike was called off, the representative further added.

4. In regard to Provident Fund Scheme, the representative of the National Federation of Postal Employees stated that there already existed a Standing Committee in the Department of Posts particularly on Extra Department agents (EDAs) where it was stated that the Provident Fund Scheme would be introduced without referring the matter to the ED Committee. But the same has not been implemented.

5. When the Committee desired to know whether introduction of scales of pay in the categories of Extra Departmental employees has been incorporated in the terms of reference of ED Committee, the representative of the federation stated that the Committee would go only into the service conditions of Extra Departmental agents and would suggest changes if considered necessary.

6. When asked whether this matter was taken up with the Ministry, the representative of the employees stated that their demand for introduction of pay scales for all categories has been submitted to the ED Commission, which is a Standing Committee for ED employees consisting of Chairman, Postal Board as the Chairman and two members from each federation.

7. When asked whether a change in the recruitment rules in respect of the ED employees has been suggested, the representative of the employees

federation replied in affirmative. The Committee were also informed that the recruitment rules for ED employees were framed during the British time.

8. In regard to contributory scheme it was stated that it was told during the agreement that they would take a decision in the matter.

9. When asked as to what was the rationale behind demand for upgradation of 10 per cent of HSG-II Posts to HSG-I Posts, another witness representing Bharatiya Postal Employees Federation stated that they demanded for 10 per cent posts as it was allowed in case of Telecommunication Department in 1991.

10. The Committee was further informed that the Department of Posts was willing to upgrade 10 per cent Posts but for the objection raised by the Ministries of Personnel and Finance they upgraded only 3 per cent. The representative stated that earlier in the Department of Telecommunications there was no HSG-I Post whereas the Postal Employees were enjoying the facility of HSG-I Posts, in accordance with the works and norms accepted by the Government. The representative of the federation, clarified that upgradation of HSG-II post to HSG-I post has got no relation with the works and norms. It was, however, the outcome of bilateral agreement in 1993 that all the postal and telecom workers would be given first promotion after completion of 16 years, another after 26 years and third promotion would be in the shape of upgradation of HSG-II posts to HSG-I posts. It was further stated that the Department of Telecommunications have implemented all these agreements but the Department of posts had not done so far. The representative further stated that the Department of Posts have only upgraded less than one per cent and not three per cent as claimed by the Department as they have counted the -posts already in existence.

11. Another witness representing the All India Postal Employees Union Cl. III & ED stated that upgradation of 10 per cent HSG-II posts should mean 2300 posts out of 23,000 biennial Cadre Review (BCR) posts so that an employee with 26 years of service could get the next higher pay scale.

12. In regard to agreement about the creation of the posts of Postmen in the scale of Rs. 1200-1800, the witness representing the Bhartiya Postal Employees Federation stated that the matter was being referred to the Fifth Pay Commission whereas linemen in the Department of Telecommunications were already getting that pay scale.

13. After requesting the Postal Employees Federation to submit a memorandum to the Committee detailing all demands made during the Strike period and in regard to all the demands that they made with the Ministry afterwards, the Committee then adjourned.

APPENDIX—III

MINUTES

Second Sitting

MINUTES OF THE SITTING OF THE COMMITTEE ON GOVERNMENT ASSURANCES HELD ON FEBRUARY 20, 1996 IN COMMITTEE ROOM 'E', PARLIAMENT HOUSE ANNEXE, NEW DELHI.

The Committee met on Tuesday, February 20, 1996 from 11.00 hours to 12.00 hours.

PRESENT

Shri Basudeb Acharia — *Chairman*

MEMBERS

- 2. Shri Santosh Kumar Gangwar**
- 3. Shri P.P. Kaliaperumal**
- 4. Shri Ummareddy Venkateswarlu**
- 5. Shri V.S. Vijayaraghavan**
- 6. Shri Asht Bhuja Prasad Shukla**

SECRETARIAT

- 1. Shri P.D.T. Achary — *Director***
- 2. Shri Mange Ram — *Under Secretary***
- 3. Km. J.C. Namchya — *Committee Officer***

2. The Committee considered their draft 38th Report and adopted the same. The Committee authorised the Chairman to present the report during the ensuing Budget Session of Parliament.

The Committee then adjourned.

(Vide Para No. 6 of the Report)

Action Taken Statement on the Letter issued by Postal Services Board on the withdrawal of strike on 10.12.1993

I. Position in respect of cases on which Board agreed to issue orders is as follows:—

SL. NO.	SUBJECT	ACTION TAKEN
1	2	3
1.	Compensation by a graded scale upto 100 points in respect of ED Branch Postmasters having work load exceeding 80 points.	Orders issued on 18.1.94
2.	Option of selecting either of Pay-Scale of Rs. 950-1400 or 825-1200 on promotion from Group 'D' to BCR.	Orders issued on 27.12.93
3.	Payment of machine allowance of Rs. 100/- per month to officials working multipurpose counter machines.	Orders issued on 17.1.94
4.	Increase in holiday duty allowance of Postmen from Rs. 25/- to Rs. 36/- and increase in allowance for combination of beats to Rs. 24/- if entrusted to one Postman and Rs. 12/- if shared by two Postmen.	Orders issued on 21.12.93
5.	Grant of Interim relief to ED Agents @Rs. 50/- per month.	Orders issued on 20.12.93
6.	Allowing EDAs recruited prior to 25.8.87 to appear at promotion examination even if they have not acquired matriculation qualifications.	Orders issued on 22.12.93

SL. NO.	SUBJECT	ACTION TAKEN
1	2	3
7.	Making applicable to Drivers including Drivers in Mail Motor Service Scheme of placing staff car drivers in three different grades.	Orders issued on 20.12.93
8.	To examine whether any relief to EDAs who are put off duty and who are subsequently reinstated could be given.	Orders issued on 28.4.94 for payment of relief upto Rs. 500/- for the period of put off duty, who are subsequently reinstated.
9.	Issue of orders not to open further bulk mail centres until the matter was discussed with the staff side.	Orders issued on 14.1.94

II. As regards the cases which board agreed to further examine, the present position is given below:—

1	2	3
1.	Setting up of an ED Committee with an outsider as Chairman after finalising terms of reference in consultation with the Federations.	Federations requested on 5.4.94 to suggest draft terms of reference by 25.4.94 with no response from them terms of reference taken up with and approved by Ministry of Finance in June 1994. Three Federations met Secretary on 29.6.94 with suggestions on terms of reference. Joint terms of reference from three Federations received on 12.7.94. Revised proposals got approved from Ministry of Finance in August, 1994. The ED Committee was thereafter set up.
2.	Recommending to Ministry of Finance for Placing 10% of BCR posts in HSG-I	Proposal taken up with Ministry of Finance, who agreed to place 3% of BCR posts in HSG-I. The Federations did not accept

1	2	3
		the proposal. Matter was pursued with Ministry of Finance again. As that Ministry did not agree orders have been issued 3% of HSG-II posts i.e. 208 posts to HSG-I.
3.	Recommending to the Ministry of Finance the proposal to advise the BCR Pay-Scale of the Postman cadre to Rs. 1200-1800.	Matter taken up with Ministry of Finance who advised taking up the demand with V Pay Commission. Matter referred to Pay Commission.
4.	Working out and recommending for acceptance by Govt. system of contributory provident fund for ED Agents with subscribers' contribution and matching contribution by Govt.	A Committee was constituted to work out a contributory provident fund scheme for ED Agents. The Report submitted by the Committee has been examined in consultation with the Ministry of Finance who have not accepted the proposal. The item has been included in the terms of reference of E.D. Committee.

III. Other demands not covered above were also considered in consultation with 3 Federations/3 non-federated Associations in a series of meetings. First such meeting took place on 25.3.94 followed by 9 more meetings. The areas to which these demands relate and the present position/comments in respect of each item are given below:—

Demands	Present Position/Comments
1. Privatisation, Mechanisation and Computerisation.	
(a) Strict adherence to Clause 7(d) of strike settlement dt. 12.7.87	It requires consultation with Staff Side on any scheme of automation/computerisation. Discussions on these items held on 24.2.95.

Demands	Present Position/Comments
(b) Dropping of all schemes for privatisation of services like:	
(i) Licensing of private agents to perform postal and RMS work in urban and rural areas.	In the discussions held with Staff Side cases of booking of speed post articles by private agencies in Kerala and licensing of stamp vendors in area near post offices were discussed. It was noted that there was only one isolated case of entrusting booking of speed post articles to private agencies which was held in abeyance. While facilities provided to the public are not to be withdrawn, deficiency and mal-practices, if found, would be removed.
(ii) Privatisation of mail conveyance displacing Mail Motor Services.	The Staff Side was informed that there is no policy to wind up Mail Motor Services. However, small MMS Units not viable financially or technically might have to be closed with necessary shifting of staff to major MMS Centres. In addition at some places for augmenting existing services pending departmental augmentation or on short term basis contract services may have to be provided.
(iii) Employing non-postal employees including retired personnel for performing postal and RMS work.	Orders were issued for engaging only pensioners as short duty staff.
(iv). Scrapping the system of presorting by bulk mailers.	It was explained to Staff Side that unprecedented volume of bulk mail accounting for about 30% of total mail, mainly concentrated in four metros, Bangalore and Hyderabad could not be handled by traditional departmental process. Like other advanced country special process would have to be evolved <i>inter alia</i> requiring bulk mailers to do sorting and allied work and entitling them for a rebate. However, deficiencies pointed out by Staff Side,

Demands	Present Position/Comments
	need for avoiding leakage of revenue and giving incentives to staff were noted.
(c) Advance increments and incentives to all the staff connected with mechanised and computerised areas.	Orders for payment of Machine Allowance for multi-purpose counter machines already issued. The proposal for incentives to staff working on computers also discussed.
(d) Reduction of working hours for the staff.	No commitment on this issue has been made. However, the Staff Side can take up this issue with the 5th Pay Commission since reduction of working hours is covered under the terms of reference of the Commission.
2. Dropping of all proposals to tighten the existing norms and restoration of pre-tightened norms whatever the time factor has been reduced.	Various issues relating to norms etc. are discussed with the staff side in the meeting of the Departmental Council and other forums. Norms in some item of work have been finalised and some other are under finalisation in consultation with the staff side.
Coverage of Time Bound Promotion Scheme to:	
(i) Non-test category staff and other excluded cadres.	The matter was discussed with staff side and it was felt that in the absence of a note from staff side, a further discussion would be required.
4. Revision of Bonus Formula.	The subject was discussed in a meeting convened by JS&FA with staff side and the information sought for by the staff side was furnished.
5. (ii) Removal of ban on O.T. duty in post offices.	It was explained that there is no ban on O.T. duty but an overall ceiling is indicated by Ministry of Finance every year. Additional funds for meeting the O.T. claims have since been obtained.

Demands	Present Position/Comments
6 Casual and part-time employees.	
(i) Coverage of the orders on temporary status to the casual labourers working for less than 8 hours a day.	(i)&(ii) A Committee set up under DPS Madras has given its report. The matter has been discussed further with the staff side wanted the part time employees to be converted to the full time, enabling
(ii) Problems of Part-time employees.	them to receive full benefit. The official side, however, felt that as part-time officials are a general cadre and not unique to the Deptt. of Posts, orders cannot be issued by the Department.
10.(i)Restructuring of Inspectors/Assistant Superintendents cadres.	The staff side wanted Time Bound Promotion for Inspectors/ASPOs/ASRMs on the pattern of Jr. Accounts Officer in Department of Telecom. who get Time Bound Promotion, after completion of 3 years to Group 'B'. The official side agreed to examine the matter further.
(ii) Restoration of Mail Overseers and Orderlies to IPOs/ASPOs.	It is not possible to restore the post of Mail Overseers and Orderlies because matching savings found by these posts were utilise for giving enhanced allowances to 'E'
(iii) Raising the scale of pay of Senior Accountants of the Postal Accounts Offices to Rs.1640-2900.	The accounts cadre is a common cadre in all the Ministries. No decision can be taken by our Department in isolation. If the pay scale of senior Accountant is revised by C&AG, the same could be implemented in our Department also.

(Vide Para No. 15 of the Report)

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
SPECIAL LEAVE PETITION (C) NO — OF 1990 (CC 457)**

**Secretary, Ministry of Communications.....Petitioners & Ors.
Versus**

S. Gundu Achary

...Respondent

**With Civil Appeal No. 4917-27/90, SLP(C) No. 4148/93, 8435/93,
(CC 20489), 10134/93, C.A. No. 4928-29/90, 4931/90, 4930/90, 4936/90,
SLP(C) 18783-83A/94, 22269/94**

ORDER

Delay condoned.

In all these matters the vires of Rule 9(3) of the Posts and Telegraphs Extra Departmental Agents (Conduct & Service) Rules 1964 was challenged on various grounds. The Tribunal in *Superintendent of Post Offices & Ors. Vs. Peter J.D' Souza & Ors.* (Civil Appeal Nos. 4917-4927 of 1990) held the Rule to be violative of Article 14 of the Constitution of India. Various Benches of the Central Administrative Tribunal followed *J.D' Souza's* case and granted relief to applicants in different terms. Although the vires of Rule 9(3) of the Rules was challenged but it would be useful to reproduce Rule 9 as a whole:

“9(1) Pending an enquiry into any complaint or allegation of misconduct against an employee, the Appointing Authority or an authority to which the appointing authority is subordinate may put him off duty;

Provided that in cases involving fraud or embezzlement, an employee holding any of the posts specified in the Schedule to these rules may be put off duty by the Inspector of Post Offices, under immediate intimation to the appointing authority.

(2) An order made by the Inspector of Post Offices under sub-rule (1) shall cease to be effective on the expiry of fifteen days from the date thereof unless earlier confirmed or cancelled by the appointing authority or an authority to which the appointing authority is subordinate.

- (3) An employee shall not be entitled to any allowance for the period for which he is kept off duty under this rule."

We have been taken through the lengthy judgment of the Central Administrative Tribunal in *J.D' Souza's* case. By and large we agree with the conclusion reached by the tribunal that Rule 9(3) infringed Article 14 of the Constitution of India. We, however, modify the relief granted by the Tribunal in the following terms:

- (1) We declare Rule 9(3) of the Rules as violative of Article 14 of the Constitution of India.
- (2) We leave it open to the Government of India to re-examine the matter and if it so chooses, frame a new set of Rules substituting Rule 9(3).
- (3) It would be open to the Union of India to examine each case to reach the conclusion as to whether the individual is entitled to the salary for the period when he was kept off duty under Rule 9(1) of the Rules. In the event of any of the respondents being exonerated/ reinstated in the disciplinary proceedings the salary for the off-duty period can only be denied to him after affording him an opportunity and by giving cogent reasons.
- (4) We direct the appellants concerned to afford reasonable opportunity to the respondents in the disciplinary proceedings which are pending or in progress against any of them. This may be done as directed by the Tribunal in *J.D' Souza's* case.

We make it clear that the directions we have given above shall substitute all the directions given by the Tribunal in the individual cases.

The appeals and special leave petitions are disposed of in the above terms. No costs.

NEW DELHI
July 10, 1995.

Sd.
(KULDIP SINGH)
(K.S. PARIPOORNAN)

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