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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.2094/1989

New Delhi, This the 23rd Day of May 1994

Hon'ble Mr. Justice V.S. Malimath, Chairman

Hon'ble Mr. P.T. Thiruvengadam, Member(A)

1. Vishamber Dayal age 29 years
S/o Shri Mansha Ram
537 Daryapur Kalan, Nangal Thakran
Delhi - 110039.
2. Jawahar Lal Gupta age 50 years
s/o Shri Atarshi Lal
RZ-E/3 Gandhi Market
West Sagar, New Delhi 110046.

Applicants

By Advocate Shri D P Sood

Versus

1. Director General E.M.E
EME Directorate, Army Hqrs
New Delhi - 110011.
2. Officer Commanding
Vehicle Depot Workshop E.M.E.
Delhi Cantt - 110010.

Respondents

By None

O R D E R (Oral)

Hon'ble Mr. Justice V.S. Malimath, Chairman

1. The petitioners have prayed in this application for a direction to the respondents to treat them as eligible for productivity linked bonus similar to the one which has been granted to the EME workers and to direct them to pay arrears from 1980-81 onwards.
2. The claim for arrears from 1980-81 onwards is clearly outside the scope of this Tribunal, as we can not entertain any application where
✓ cause of action has arisen three years

prior to the establishment of this Tribunal.

We therefore limit our examination of the case to the period within limitation.

3. The principal contention of the petitioners is that the EME workers having been given the benefit of productivity linked bonus there is no justification to deny the same to the petitioners on the ground that they are similarly situated. In other words the charge is that they are discriminated against without any justifiable reasons.

4. The principal contention of the respondents is contained in para 8 of their reply wherein they have stated as follows:-

"The contents of para 8 are not agreed and relief/reliefs sought on the grounds at para 8 (a) to (c) may be dismissed on the grounds that Govt of India, Min of Def has granted the 'Productivity Linked Bonus' after due consideration to only eligible categories of civilian employees of Static Type of WKsp under the EME Dte listed in Annexure III to Govt of India Min of Def letter No.24(1)/80/D(JCM) dated 25 Aug 1980 as exhibited as R-1. The applicants are not entitled to productivity linked bonus. The Govt has not approved the case for the eligibility of the PLB to the employees of detachments including Det TG EME No.16 (Insp), because they do not fulfil the following laid down conditions:-

- (a) The organisation should be engaged in manufacture, production and supply tangible material goods.
- (b) There should be predominance of civilians, and
- (c) Bulk of the civilian employees

can be categorised as industrial. All the above three conditions are to be fulfilled together which the Detachment Group in which the applicants are working does not fulfil. Therefore the applicants are not entitled to the PLB as claimed by them. There is no such scheme like payment of wages against PLB Scheme at par with WKsp Staff. The civilian employees working in the Detachment Technical Group and HQ Technical Group EME (their parent organisation) are not entitled to the Productivity Linked Bonus Scheme formulated by the Government of India and the same has not been made applicable/extended to them in the Detachments as well as their Headquarters Technical Group EME."

5. The stand taken by the respondents is that the grant of productivity linked bonus has been made conditional upon fulfilment of three conditions referred to above. The respondents contend that they have not granted the productivity linked bonus to the petitioners as these three conditions are not satisfied. We have gone through the rejoinder with reference to para 8 of the reply filed by the respondents. The petitioners have not effectively countered the stand taken by the respondents. They simply made an assertion that they are not correct and are discriminatory. The explanation given by the respondents for not granting the productivity linked bonus precisely on the ground that

the petitioners did not fulfil the conditions stipulated is worthy of acceptance. Hence the charge of discrimination fails. This application is devoid of merit and therefore the OA is dismissed. No costs.


(P.T. THIRUVENGADAM)
Member (A)



(V.S. MALIMATH)
Chairman

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