

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA-47/89

Date of decision: 16-02-1989.

Shri Shri Om

.....Petitioner

Vs.

Union of India & Others

.....Respondents

For the petitioner

.....Shri S.P. Choudhary,
Advocate

For the respondents

.....Shri P.H. Ramchandani,
Sr. Advocate

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN(J)

THE HON'BLE MR. P. SRINIVASAN, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment? *VS*
2. To be referred to the Reporters or not? *No*

JUDGMENT(ORAL)

(The judgment of the Bench delivered by Hon'ble Shri P. Srinivasan, Administrative Member

This application has come up today before us for admission with notice to the respondents. When the matter came up, we found that the applicants claim turns on an interpretation of the terms and conditions on which Productivity Bonus was sanctioned to ~~the~~ ^{VS} Government employees. In view of this, we proceeded to hear counsel for both sides on the merits of the case in order to dispose of the application at the admission stage itself.

A. S. J.

2. Shri S.P. Choudhary, learned counsel for the applicant and Shri P.H. Ramchandani, learned counsel for the respondents have been heard.

3. The Government of India introduced the scheme of Productivity Bonus for the first time for the financial year 1982-83 by Office Memorandum dated 10.11.1983 - Annexure A-2 to the application, which sets out the terms on which the bonus was to be paid to Government employees. This scheme was extended from year to year and was also made applicable to financial year 1986-87. The applicant was working as Stenographer in the Ministry of Defence during 1986-87, but he resigned from service with effect from 30th September, 1986. The question for decision in this case is whether he is eligible for Productivity Bonus for the financial year 1986-87.

4. Shri Choudhary, learned counsel for the applicant contends that though the Bonus Scheme as originally announced for financial year 1982-83 by Office Memorandum dated 10.11.1983 of the Ministry of Finance stated that bonus would be paid only to persons who were in service on the last day of the financial year, this condition could not be applied to the grant of Bonus for the year 1986-87. Therefore, even though the applicant resigned from service on 30.9.86, since he fulfilled the other condition for grant of bonus, namely, continuous service for 6 months during the year, he should have been paid Productivity Bonus for 1986-87 but that had not been done.

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5. Shri Ramchandani, learned counsel for the respondents submits that the scheme of Productivity Bonus first introduced for 1982-83 continued in operation for all subsequent years. The Ministry of Defence had clarified in its letter dated 28.1.88 (Annexure A-7 to the application) that persons who resign from service prior to the last day of the financial year are not eligible for Productivity Bonus for the financial year. Since Productivity Bonus was an ex gratia payment, no person would be eligible for such Bonus unless he strictly fulfils the conditions governing the grant of the same.

6. Having considered the rival contentions carefully, we are of the view that this application is devoid of merit. A person claiming something which is allowed ex gratia must strictly fulfil the conditions prescribed for the grant of the said allowance. Though the condition was first attached while sanctioning Productivity Bonus for the year 1982-83, there is nothing to show that the scheme was varied in subsequent years excluding that condition and in fact the clarifications issued by Government indicate to the contrary. We have, therefore, to proceed on the basis that the same condition was applicable to Productivity Bonus in subsequent years also. That being so, that the applicant having resigned before 31.3.87., i.e., the last day of the

P. S. W.

financial year, he cannot claim as a matter of right that he should be paid Productivity Bonus for 1986-87.

7. IN view of the above, the application is rejected at the admission stage itself leaving the parties to bear their own costs.

P. Srinivasan
16/2/89

(P. SRINIVASAN)
ADMINISTRATIVE MEMBER

Omni

(P. K. KARTHA)
VICE CHAIRMAN(J)