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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA NO.320/33

Date of decision: 05.07.1993.

Naval Hydrographic Office Dehra Dun
Worker's Union

...Petitioners

Versus

Union of India & Others

...Respondents

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The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. C.J. Roy, Member (J)

For the petitioners

None

For the respondents

Shri P.H. Ramchandani, Senior
Counsel.

Judgement(Oral)

(Hon'ble Mr. I.K. Rasgotra, Member (A))

None appeared for the petitioners. However, since this is an old matter we proceed to dispose it of on merits. The respondents are represented by Shri P.H. Ramchandani, Senior Counsel. We have perused the records of the case and heard Shri Ramchandani, learned Senior Counsel for the respondents.

2. In this Original Application filed on 23.12.1985, under Section 19 of the Administrative Tribunals Act, 1935 the petitioners have prayed that the scheme of productivity linked bonus (PLB for short) be directed to be extended to them on the basis of the principle of equality enshrined in Articles 14 and 16 of the Constitution of India. It is further prayed that the respondents be directed to pay the PLB to the petitioners w.e.f. 1930 - the date on which the said scheme was made applicable to the civilians in the department. They have also prayed for the arrears of PLB on this account. The petitioners are employees

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of the Naval Headquarters and are engaged in Hydrographic work. According to the respondents there are 152 civilian employees in the Naval Hydrographical unit, Dehra Dun. Out of these 35 persons are working in the Printing Press of the said Office. There are only 23 industrial workers while remaining 124 are non-industrial workers. The bulk of the civilian employees fall under the category of non-industrial. The scheme of PLB was introduced in 1980 and was to cover those organisations :-

- "(a) which are engaged in production, manufacture and supply of tangible material goods;
- (b) whose employees are predominantly civilians; and
- (c) the bulk of those employees can be categorised as industrial in character."

3. The PLB scheme was to cover only civilian employees of the selected units which fulfil the above criteria. Accordingly, the selected units were enumerated in Annexure-II of the scheme circulated under Ministry of Defence Letter No.24(9)/SO/D (JCM) dated 28.9.1983. As the petitioners did not fulfil the criterial laid down for covering employees under the PLB scheme, they were not included in the list of selected categories of civilian/employees. The case of action in the case of the petitioners, therefore, arose in 1983 whereas this O.A. was filed in 1989. Apart from the application being time barred under Section 21 of the Administrative Tribunals Act, 1985, the petitioners also have no case on merits. They do not fall under the policy guidelines laid down by the respondents, as adverted to earlier. It has been further stated by the respondents that since the petitioners are not covered by the scheme of PLB, they are being paid ad hoc bonus, as is being paid to other

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civilian employees of the Government of India not covered by the scheme of PLB.

4. We have gone through the pleadings carefully and considered the submissions made by Learned Counsel for the respondents. The petitioners are working in the Naval Hydrographic unit, Dehra Dun and in accordance with the criteria laid down are not eligible for the payment of PLB. There is no question of discrimination involved, as they constitute a separate category from those that are listed in Annexure II to the scheme. Further they are being paid ad hoc bonus, as the similarly situated employees are being paid from time to time. They have to compare themselves with those who are similarly situate. The petitioners cannot invoke Articles 14 & 16 of the Constitution as they do not possess attributes which would enable them to fulfil the criteria laid down for entitlement to PLB.

5. In the above facts and circumstances of the case the O.A. is dismissed both being barred by limitation as well as for want of merits. No costs.

W.S.M.
(G.J. Roy)
Member (J)

I.K.R.
(I.K. Rasgotra)
Member (A)

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