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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No.327/88

Date of decision: 10.08.1993.

SHRI S. RAJAGOPALAN

...PETITIONER

VERSUS

UNION OF INDIA THROUGH THE SECRETARY,
MINISTRY OF FINANCE, DEPARTMENT OF
EXPENDITURE, NEW DELHI & OTHERS

...RESPONDENTS

CORAM:-

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)
THE HON'BLE MR. B.S. HEGDE, MEMBER (J)

FOR THE PETITIONER

MISS NEENA DHAL, PROXY COUNSEL FOR
SHRI RAKESH LUTHRA, COUNSEL.

FOR THE RESPONDENTS

SHRI V.P. SHARMA, PROXY COUNSEL FOR
SHRI P.P. KHURANA, COUNSEL.

JUDGEMENT(ORAL)
(HON'BLE MR. I.K. RASGOTRA)

In this O.A. filed by the petitioner Shri S.Rajagopalan, the petitioner has prayed that the Tribunal may direct the respondents to increase the eligibility limit of emoluments for ad hoc bonus/ex-gratia from the existing Rs.2,500/- per month to Rs.3,500/- per month for other Ministries, as done in the case of Ministry of Railways in the interest of justice and equality enshrined in the Constitution of India. This prayer has been made principally on the ground that Government servants working under the Ministry of Railways who are drawing emoluments upto Rs.3,500/- have been eligible for grant of Productivity Linked Bonus (PLB for short).

2. The PLB has been granted by the respondents to the industrial workers who are working in the production oriented organisations is to be determined in accordance with the formulae related to the characteristics and nature of work performed by the employees in such production oriented organisations. The principal objective of the PLB scheme is

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to stimulate the performance of the workers leading to the betterment of the economy in general. The mainstay of the scheme was the acceptance of the concept of PLB by the Labour Federations operating in the various production oriented units/organisations. The petitioner before us is working in an office of Secretariat of the Government of India. He is seeking to be equated in respect of the eligibility criteria with the employees in the production oriented organisations. The learned counsel for the petitioner at the outset referred us to the judgement of the Tribunal in OA-2489/89 with a bunch of other OAs decided on 11.6.1991 where we had decided that the eligibility criteria in respect of ceiling of emoluments should be the same for the other employees who are covered by the respective PLB scheme, as applicable in the case of covered employees of the Railways. The learned counsel further submitted that SLP had been filed by the respondents in the Supreme Court and the case has been heard and was expected to be decided soon.

3. On a careful perusal of the OA and the judgement in OA-2489/89 etc. between National Federation of Telecom Employees and Others v. Union of India & Others decided on 11.6.1991 we find that the case decided by us already is distinguishable on facts from the matter before us. These distinguishing features are:-

- i) that the employees covered by the PLB scheme are all industrial workers;
- ii) they have accepted the concept of PLB.

- iii) P.L.B. by its very nature is distinguishable from ad hoc bonus.
- iv) P.L.B. is determined in accordance with the formulae having regard to the norms developed with an established framework and parameters as such employees as are covered by the scheme are engaged in the production oriented units/organisations. They are thus amenable to the discipline of formulae to link productivity with bonus.

4. In the case before us the petitioner is working in the secretariat which is distinguishable from the production oriented organisation. He is not covered by any of the PLB schemes. He is being paid ad hoc bonus sanctioned by the Govt. ent to the Central Government employees working in the offices like the secretariat and other non-production units/organisations. He is not an industrial worker, as defined in the Industrial Disputes Act. He, therefore, comes under a different classification than the classification under which the staff is covered under the PLB scheme fall. Such classification is permissible, as is well settled by the law declared by the Supreme Court. All the employees working in the non-production oriented organisations/units are covered by the same formulation. There is, therefore, no discrimination involved as was the case in OA-2489/89. National Federation of Telecom Employees and Others vis-a-vis the Railway employees.

5. In view of the above facts and circumstances we are of the opinion that the petitioner cannot claim the benefit on the ground of discrimination which is available to the

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employees who are covered by the PLB scheme. The scheme of ad hoc bonus and criteria on which ad hoc bonus is sanctioned by the respondents, as sanctioned from time to time falls within the domain of policy. Accordingly, we do not find any reason to interfere in the matter. The O.A. is, therefore, dismissed. No costs.

B.S. Hegde
(B.S. HEGDE)

MEMBER (J)

San.

I.K. Rasgotra
(I.K. RASGOTRA)

MEMBER (A)