

11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 54 OF 1998 .

Cuttack, this the 12th day of July, 2000.

ASHOK KUMAR PANDA.

...

APPLICANT.

VRS..

UNION OF INDIA & ORS.

...

RESPONDENTS.

FOR INSTRUCTIONS.

1. whether it be referred to the reporters or not? Yes.
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

(G. NARASIMHAM)  
MEMBER (JUDICIAL)

(SOMNATH SOM)  
VICE-CHAIRMAN

19  
CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 54 OF 1998.  
Cuttack, this the 12th of July, 2000.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDL.).

1. Ashok Kumar Panda,  
Aged about 33 years,  
Son of Kashinath Panda,  
At present working as BPM,  
Chandannagar BO, Via. Alba,  
Dist: Kendrapara.
2. Shankarsan Mallik,  
Aged about 33 years,  
Son of Sunakar Mallik,  
At present working as BPM,  
Matia BO, Via: Pattamundai,  
Dist: Kendrapara.

... APPLICANTS.

By legal practitioner: Mr. T. Rath, Advocate.

-Versus-

1. Union of India represented through  
Director General of Posts,  
Dak Bhawan New Delhi.
2. Chief Postmaster General,  
Orissa Circle,  
Bhubaneswar.
3. Superintendent of Post Offices,  
Cuttack North Division,  
Cuttack.

... RESPONDENTS.

By legal practitioner: Mr. B. K. Nayak, Adl. Standing Counsel.

O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application, two petitioners have prayed for a direction to the Departmental Authorities to grant them Productivity Linked Bonus from 1991 to 1997-98. The second prayer is for quashing the circular dated 8.2.1988 of the Director General of Posts, at Annexure-R/1.

2. Respondents have filed counter and additional counter after the Original Application was amended opposing the prayers of the applicants. Applicants has also filed a Memo on 04.07.2000 alongwith an order dated 10.4.2000 after serving copy of the same on the learned Additional Standing Counsel. All these papers have been taken note of.

3. We have heard Mr. T. Rath, learned counsel for the applicants and Mr. B. K. Nayak, learned Additional Standing Counsel appearing for the respondents and have also perused the records. In course of hearing it is submitted by the learned counsel for the petitioner that he does not press his prayer for quashing the order of the Director General of Posts at Annexure-R/1 and his prayer is only limited to issuing of a direction to the respondents to give them the Productivity Linked Bonus from 1991 to 1997-98.

4. For the purpose of considering this Original Application, it is not necessary to go into too many facts of this case. The admitted position is that applicant No.1 was appointed on 10.2.1987 to the post of EDBPM, Chandannagar Branch Post Office in a put off duty vacancy. Applicant No.2 was appointed as EDBPM, Matia Branch Post Office

on 20.1.1992 in a put off duty vacancy. It is stated by learned counsel for the petitioners that according to para-3(iii) of the counter filed by the Respondents, regular appointment order has been issued in favour of applicant No.2 on 19.3.1998. It has also been mentioned by the Respondents in para-7 of their additional counter that orders have been issued for drawing the Productivity Linked Bonus in favour of applicant No.2. In view of this, it is submitted by learned counsel for the petitioner that as the applicant has been regularised in order dated 19.3.1998 he is entitled to Bonus. From the averments of the Respondents in the counter, it appears that the applicant No.2 has been regularised from 19.3.1998 and therefore, he will be entitled to Bonus only from that date going by the circular of the DG Posts. In view of this, prayer of applicant No.2 to get Bonus from 1990-1991 to 1997-98 is rejected. It is no doubt true that in the year 1997-98 he has worked for 21 days as a regular EDBPM till 31.3.1998. The order of regularisation having been issued on 19.3.1998. According to the general rules a minimum period of regular service is required for entitlement of Bonus. In any case for entitlement of Respondent No.2 to Bonus from the year 1997-98, his regular service from 19.3.1998 to 31.3.1998 should be taken into consideration and if according to the terms of the PLB scheme, he is entitled to the Bonus for the period of service for 21 days then the same shall be paid to him.

Sjm.

15

5. AS regards applicant No.1, as earlier noted he was originally appointed as EDBPM, Chandannagar on 10.2.1987 but he actually joined on 16.2.1987. He has got Bonus till 1992-93. According to the DG of Posts Circular at Annexure-R/1, persons who were appointed in put off duty vacancy are not entitled to Bonus but in the case of applicant No.1 it is submitted by learned counsel for the petitioner Mr. T. Rath that his service has been regularised w.e.f. 16.2.1987 in order dated 10-4-2000.

6. As applicant's service has been regularised from 16.2.1987, he should be entitled to Bonus and according to the learned counsel for the petitioner he has already received Bonus upto 1992-93. Respondents on the other hand have stated that Bonus has been paid to applicant No.1 till and including 1986-87. He has been paid Bonus correctly but after receipt of DG's circular at Annexure-R/1, applicant No.1 was paid bonus erroneously from 1987-88 upto 1992-93. As in the order dt.10.4.2000, applicant No.1's service as EDBPM has been regularised from 16-2-1987, applicant is entitled to Bonus in accordance with the Departmental circular. In view of this and in view of the fact that he has already received the Bonus upto 1992-93, his prayer for getting Bonus upto and including 1992-93 from 1991 and 1992-93 is disposed of by holding that the applicant is entitled to Bonus for these years in view of the order dt.10.4.2000 and the amount <sup>which</sup> has been paid to him already, shall not be recovered. Correspondingly, the applicant will be entitled to the Bonus for the year

J.J.M.

1993-94 onwards till 1997-98 in view of regularisation of his service and the Respondents are directed to pay the Bonus to the applicant No.1 accordingly within a period of 120 days from the date of receipt of a copy of this order.

7. In the result, the Original Application is partly allowed.No costs.

(G.NARASIMHAM)  
MEMBER(JUDICIAL)

(SOMNATH SOM)  
VICE-CHAIRMAN

KNM/QM.