

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No. 472/91
XXXXXX

199

DATE OF DECISION 12-7-1991

EV Sasikumar and others Applicant (s)

Mr MR Rajendran Nair Advocate for the Applicant (s)

• Versus

Union of India rep. by the Respondent (s)
Secretary, Ministry of Communications,
Dept. of Posts, New Delhi & others.

Mr VV Sidharthan, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member

The Hon'ble Mr. N Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

Shri NV Krishnan, AM

The applicants are Reserve Trained Pool Assistants (RTP Assistants, for short) under the Senior Superintendent of Post Offices, Alappuzha, Respondent-2. They were absorbed in the regular establishment with effect from various dates in 1988, 1989 and 1990. In the memo issued by Respondent-2 offering the post of Postal Assistants to the applicants, it was stated that the applicants would initially be recruited against the quota of RTP candidates and would be imparted 15 days' training, after which they would render themselves liable to work as Short duty staff as per the needs of the department.

16

The applicants accepted the offer and worked as

Short Duty Assistants as RTP candidates.

2 It is claimed that the applicants worked practically for the entire period in each month as RTP candidates without any leave. Their claim is that they are entitled to the grant of productivity linked bonus like the regular employees.

3 It is submitted that the claim for grant of bonus by RTP candidates has been allowed by this Tribunal in OA 171/89 and OA 612/89. When the applicants approached the respondents seeking benefits of productivity linked bonus, similarly to those granted to the applicants in OA 171/89, the respondents allegedly contended that as the applicants were not parties in OA 171/89, they are not entitled to the bonus. It is on account of this denial of bonus that this application has been filed seeking a declaration that they are also entitled to productivity linked bonus for the period during which they are rendered service, at the same rates applicable to regular employees and for a direction to the respondents to disburse the same, including arrears.

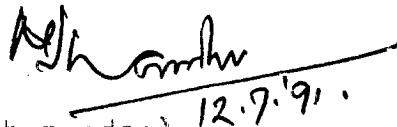
4 However, when the case was taken up for final hearing, it was stated on behalf of the respondents that

this application can also be disposed of in the light of the orders passed in OA 171/89.

5 We notice that the respondent-1 has issued a telegram at Annexure-II to the Chief Postmaster General, Trivandrum to implement the judgment of the Tribunal in respect of only the petitioners in OA 612/89 and OA 171/89.

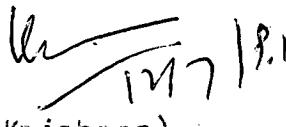
6 In the circumstances of the case, we are of the view that the judgment delivered in OA 612/89 and OA 171/89 will be equally applicable to the applicants in the present case also who have an ~~individual~~ ^{identical} claim. Therefore, the respondents are directed to give the benefit of the judgments in OA 612/89 and OA 171/89 to the applicants also within a period of two months from the date of receipt of this order.

7 This application is disposed of with the above directions. There will be no order as to costs.


(N Dharmadan)

Judicial Member

12-7-91


(NV Krishnan)

Administrative Member

12-7-1991