

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
~~XXXXXX~~

502

1992

DATE OF DECISION

30.4.92

T.C. Chacko and 3 others

Applicant (s)

Mr. O.V. Radhakrishnan

Advocate for the Applicant (s)

Versus

Sr. Supdt. of Post Office,
Kottayam and 4 others

Respondent (s)

Mr. George Joseph, ACGSC

Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N.V. Krishnan, Member(Administrative)

The Hon'ble Mr. N. Dharmadan, Member(Judicial)

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

N. Dharmadan, M(J)

The question of payment of Productivity Linked Bonus to the Reserve Trained Pool, Postal Assistants has come up before us again in this application.

2. According to the applicants first two applicants belong to Kottayam division while other two applicants belong to Quilon division.

3. All the four applicants joined the Deptt. of Posts as RTP Postal Assistants during 1982 and 84 and they have put in 240 days in each completed year.

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4. The applicants further averred in the application that they were selected to the post of Postal Assistants(RTP) and imparted practical training. They were discharging the same duties of a regular incumbent altogether even without the benefits of leave, public holidays etc

5. It is further averred that when the P & T Deptt. introduced the scheme of payment of Productivity Linked Bonus to its staff, the department has brought under the scheme all the employees including the casual labourers then working under the department. But the benefit of Bonus was arbitrarily denied to the the RTP Postal Assistants alone. Hence the applicants pray that benefit of PLB be extended to them also at-least at the rate at which the casual labourers are entitled.

6. The applicants further relied on the decision of this Tribunal and various Courts and specifically invited our attention to OA 612/89 of this Tribunal and contended that benefit of the judgment referred to above be extended to the applicants also.

7. We have heard the parties. Mr. George Joseph entered appearance on behalf of the respondents, and

did not dispute the fact that this case is squarely covered by our earlier judgment in OA 612/89 nor he attempted to distinguish the same.

8. We have gone through the judgment in OA 612/89 and found that question of fact and law which arose for consideration in that case are identical with the questions arise for consideration in this case. Hence we are inclined to follow our judgment in this case also.

We have already disposed of number of cases of Productivity Linked Bonus in the light of our judgment in OA 612/89.

In OA 612/89, dealing with the question of Productivity Linked Bonus we observed as follows:

"Since the RTPs cannot be held to be having a status inferior to that of a casual labourers as they had been selected after a tough open market competition and trained by the department, we feel that the RTPs should also be entitled to the productivity linked bonus atleast in parity with the casual workers of P & T department. The RTPs when employed contributed to the production of the department as much as any casual or regular workers.....Any discrimination against the RTPs according to us will be discriminatory and violative of Article 14 and 16 of the Constitution of India.

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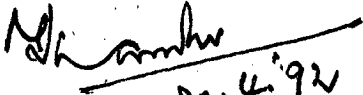
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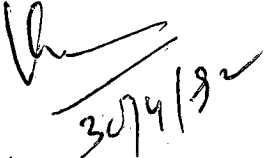
"...In the facts and circumstances we allow this application to the extent of declaring that the applicants as RTP are entitled to the benefit of productivity linked bonus if like the casual workers they put in 240 days of service each year for three or more as on 31st March, of each year after their recruitment...."

(Kuttisankaran & another V. Union of India, OA612/89 of Ernakulam Bench)

9. In the light of the decision of this Tribunal referred to above, we allow this application following the same and declare that the applicants herein are also entitled to the benefit of Productivity Linked Bonus if they put in 240 days of service each year for three years or more as on 31st of March of each year after their recruitment. The amount of PLB would be based on their average monthly emoluments determined by dividing the total emoluments for each accounting year of eligibility, by 12 and subject to other conditions of the scheme prescribed from time to time.

10. The Original Application is thus allowed to the extent indicated above. There shall be no order as to costs.


(N. Dharmadan)
Member (Judicial)


(N.V. Krishnan)
Member (Administrative)

30.4.92

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