

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 520
T. A. No.

1990

DATE OF DECISION 30.1.92

M. K. Chellappan Applicant (s)

Mr. M. V. Joseph Advocate for the Applicant (s)

Versus

Union of India represented by the
Secretary, Ministry of Defence, Respondent (s)
New Delhi and others

Mr. V. Ajith Narayanan, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. S. P. MUKERJI, VICE CHAIRMAN

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

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

MR. N. DHARMADAN, JUDICIAL MEMBER

The applicant is an Examiner, (Ammunition) of Armament Inspectorate at N.A.D., Alwaye, under the Director of Naval Armament Inspection. He is claiming productivity linked bonus based on the decision in Annexure A-1 judgment.

The operative portion of the judgment reads as follows:

"A counter affidavit has been filed by the respondents wherein it has been stated that the Naval Armament Inspectorate, Alwaye is one of the units which has been identified as additional unit to be brought under the productivity linked bonus scheme. Thus, in the counter affidavit, the applicant's claim that the unit in which he is working is covered by the productivity linked bonus scheme, has been conceded. Now that the employees in the Naval Armament Inspectorate has been identified as one of the units which is covered by the productivity linked bonus, the reliefs sought for by the applicant in the form in which it is made in the application need not be granted. In view of the statement in the counter

affidavit, we mould the relief by directing the respondents to give effect to the productivity linked bonus scheme for the Inspectorate of Naval Armament, Always instead of ad hoc bonus and settle the claim as regards the payment of bonus to the applicant within three months of the date of receipt of the order."

2. The eligibility of productivity linked bonus based on the judgment Annexure A-1 is not disputed. After the judgment, the applicants were given productivity linked bonus for the years 1987-88 and 1988-89 even though the productivity linked bonus was introduced by the Govt. in this establishment in the year 1980. The applicant submitted Annexure A-2 and A-3 representations claiming productivity linked bonus from 1979-80. Since these representations did not evoke any response, he has filed this application with the following prayers:

"i) To direct the respondents to disburse the productivity linked bonus to the applicant from 1979-80 onwards without further delay.

ii) To issue such other orders or directions as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

3. The only question that arises for consideration in this case is as to the point of time from which the applicant is entitled to productivity linked bonus. It is true that the same was introduced in the Inspectorate from 1980. In the judgment Annexure A-1, the Tribunal/direct ^{did not} grant of bonus to the applicant from that year. The Tribunal only issued a direction to the respondents to give effect to the productivity linked bonus scheme for the Inspectorate of Naval Armament Always instead of ad hoc bonus and settle

the claim of the applicant. From the statement in the reply and the amended reply affidavit, we are not satisfied that the respondents have complied with the direction. It is stated that the Govt. have sanctioned ad hoc bonus for the employees not covered under the productivity linked bonus scheme from the year 1982-83 as evidenced by Annexure R-2. By Annexure R-3 Naval Headquarters' letter dated 3.7.85, all the Commands including the second respondent were identified as additional eligible units for productivity linked bonus. The second respondent as per letter dated 18.7.85 recommended Naval Armament Inspectorate, Alwaye, Naval Armament Inspectorate, Cochin for inclusion in the productivity linked bonus scheme. It is at that time that the applicant filed O.P. No. 7520/85 before the High Court of Kerala for issue of a writ of mandamus directing the respondents to extend the productivity linked bonus to the petitioner and other members of the NAD, Inspectorate Alwaye. In that O.P. the third respondent, Flag Officer Commander-in-chief Headquarters, Southern Naval Command, Cochin filed a counter affidavit stating that the case regarding the extension of productivity linked bonus to additional organisations is under consideration of the Ministry of Defence and that that the Headquarters, Southern Naval Command ~~xxxx~~ identified and recommended NAD Inspectorate, Alwaye for inclusion in the productivity linked bonus scheme. The said writ petition was later transferrred to this Tribunal and re-numbered as TAK 663/87. This Tribunal by judgment dated 28.1.88 directed


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the respondents to give effect to the productivity linked bonus and settle the matter. Accordingly, from 1988 onwards bonus was paid.

4. It is admitted by the respondents that the claim for productivity linked bonus was introduced in the NAD Inspectorate from 1985 onwards and as per the judgment, The applicant is entitled to the benefit of productivity linked bonus scheme from 1985. The failure of the respondents to grant the same, and settle the issue as directed in the judgment Annexure A-1, from 1985 has not been explained properly in the reply statement. However, the applicant's claim for bonus from 1979-80 cannot be accepted on the facts and circumstance of the case. Admittedly the Inspectorate was included in the scheme as per the recommendations of the Naval Headquarters letter dated 3rd July, 1985. This was given effect ^{to} only from the year 1985. So the claim of the applicant can be restricted to the period when this Inspectorate was included in the scheme namely, 1985.

5. Accordingly, having regard to the facts and circumstances of the case, we are of the view that the applicant is entitled to productivity linked bonus from 1985 onwards. Under these circumstances, we issue a direction to the respondents to disburse the productivity linked bonus to the applicant from 1985 onwards. The application is allowed to the extent indicated above. There will be no orders as to costs.


30.1.92

(N. DHARMADAN)
JUDICIAL MEMBER


30.1.92

(S. P. MUKERJI)
VICE CHAIRMAN