

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
~~XXXXXX~~ No.

559 of 1992.

DATE OF DECISION 31-08-1992

A.G.John and 24 others Applicant (s)

Mr.M.R.Rajendran Nair Advocate for the Applicant (s)

Versus

Union of India represented
by Secretary, Ministry of
Communications and others Respondent (s)

Mr.N.N.Sugunapalan, SCGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. S.P.Mukerji, Vice Chairman

and

The Hon'ble Mr. A.V.Haridasan, 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

(Hon'ble Mr.S.P.Mukerji, Vice Chairman)

The 25 Postal Assistants working under the Chief Post Master General, Kerala have in this application dated 10th April, 1992 filed under Section 19 of the Administrative Tribunals Act prayed that their entire service commencing from the date of initial engagement as R.T.P.Postal Assistants be reckoned for annual increments, bonus, departmental examination, seniority and pension and that the respondents be directed to refix their pay at the minimum of the pay scale of the Postal Assistants from the date of their initial engagement and count their service as qualifying for the purpose of Departmental Examination for the post of Inspector.

2. The respondents have stated that their reply

in O.A.814/90 which is similar/identical application be taken into account for this application also.

3. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. The identical reliefs claimed by the applicants were gone into by this very Bench of the Tribunal in O.A.814/90. In our common judgment dated 21.4.92 we felt that the R.T.P. candidates ^{should} _{get atleast} the same benefits for the service rendered as R.T.P. candidates as are available to casual employees. Accordingly in that judgment the R.T.P. candidates rendering service for 8 hours a day continuously on completion of one year of service were allowed to be given temporary status and half the period of such service after attaining temporary status was directed to be reckoned for the purpose of qualifying service for pension. All other benefits available to casual employees with temporary status were also directed to be extended in regard to service as R.T.P. candidates after they are regularised. The productivity linked bonus was also allowed on the lines of that available to casual employees.

4. In the light of our judgment in O.A.814/90 we dispose of this application also with the following directions:

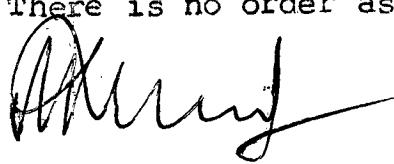
(a) Those of the applicants in this case who after their recruitment as R.T.P. candidate have been rendering service for 8 hours a day continuously, on completion of one year of service, ^{such} _{should be}

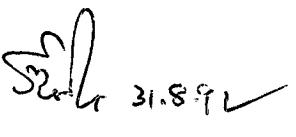
deemed to have attained temporary status and half the period of eight hours a day service after attaining temporary status should be reckoned for the purpose of qualifying service for pension,

(b) All other benefits if any available to the casual mazdoors after attaining temporary status and subsequent regularisation under the scheme should also be extended to the applicants if they satisfy the above conditions; and

(c) The applicants should be paid productivity linked bonus if like casual labourers they had put in 240 days of service each year for 3 years or more as on 31st March of each bonus year after their recruitment as R.T.P. candidates, ie., the benefit of the judgment in O.A.612/89 and O.A.171/89 should be extended to the applicants in this case.

5. There is no order as to costs.


(A.V. HARIDASAN)
JUDICIAL MEMBER


(S.P. MUKERJI)
VICE CHAIRMAN

31-08-1992

ks18892.