

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.

~~XXXXXX~~ 578091

199

DATE OF DECISION

7/1/1992

BALASUBRAMANIAN.E & 11 ors.

Applicant(s)

K. Ramakumar

Advocate for the Applicant (s)

Versus

UNION OF INDIA & ANOTHER

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? *Y*
2. To be referred to the Reporter or not? *lo*
3. Whether their Lordships wish to see the fair copy of the Judgement? *lo*
4. To be circulated to all Benches of the Tribunal? *lo*

JUDGEMENT

N. Dharmadan, M(J)

In this application filed under Sec.19 of the Administrative Tribunals Act 1985, the applicants, the Postal Assistants and Office Clerk(RTPs) seek for a declaration that the denial of payment of Productivity Linked Bonus to them for the year 1985-86 is violative of Article 14, 16 and 21 and further seek for a direction to the respondents to pay all amounts due under the Productivity Linked Bonus scheme from the year 1985-86 to date immediately.

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2. The brief facts of the case are that the applicants 1 to 9 are working as Postal Assistants in Tirur Postal Division, while applicants 10 and 11 are working as Postal Assistant and Office Clerk respectively in the Manjeri Postal Division and 12th applicant is an Office Assistant in the Palghat Division. The applicants who are belonging to Reserve Training Pool, are in service since 1983. They were appointed to this posts after a regular selection and imparting training. Ever since their selection, they have been discharging the duties of regular Postal Assistants.

3. The grievance of the applicants is that the Productivity Linked Bonus, which is paid to all the employees of Department of Posts and even to the casual workers, is not paid to the applicants herein. The applicants further submit that the Jabalpur Bench of the Central Administrative Tribunal has held in TA 82/86 that TRPs are performing the same duties as other Postal Assistants and directed the absorption of the RTPs.

4. The learned counsel for the applicant further brought to our notice a case Kuttisankaran & another V.

Union of India & others, OA 612/89 decided by this Bench of the Tribunal and submitted that identical question was dealt with and the Bench held as follows:

"..Since the RTPs cannot be held to be having a status inferior to that of a casual labourer 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 Deptt. The RTPs when employed contributed to the production of the department as much as any casual or regular worker.....Any discrimination against the RTPs according to us will be discriminatory and violative of Articles 14 16 of the Constitution of India..."

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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...."


5. Mr. George Joseph, who appeared for the respondents submitted that since the question involved has already been decided and adjudicated by this Bench and is fully covered by the decision in OA 612/89, no counter affidavit need be filed in this case.

6. Having heard the matter, we are of the view that the decision rendered by this Bench in OA 612/89 squarely applies to the facts of the case and we are inclined to follow the judgment in disposing of the case in hand.

7. Accordingly we allow the Original Application to the extent of declaring that the applicants as RTP are 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 productivity linked bonus 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.

8. The O.A. is disposed of as above. There shall be no order as to costs.


M(J) 7.1.92


M(A)

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