

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. ~~XXXXXX~~ 73 of 92 189

DATE OF DECISION 3.4.92

All India Telecom Employees Union Applicant (s)  
Class III Kerala Circle, Trivandrum represented by its  
Circle Secretary, Shri P.V. Chandrasekharan and 43 others  
Mr. M.K. Damodharan Advocate for the Applicant (s)

Versus

Union of India and 4 others Respondent (s)

Mr. V. Krishna Kumar, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P.S. Habeeb Mohammad, 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)

In this application, the first applicant is a Union viz. All India Telecom Employees Union Class III Kerala Circle, Trivandrum represented by its Circle Secretary, Shri P.V. Chandrasekharan. The applicants 2 to 44 are employees working as RTP candidates who are members of first applicant Union. The applicants 2 to 44 except the applicant No.13 joined in service as RTP during the period 1982-84. The applicant No.13 joined in service only in 1985 and he was regularised with effect from 1-1-86. The service details of the applicants are more clearly explained in para 3 of the application. They have submitted that

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they have been discharging the duties of a regular employee in the Telecom department and they were selected in accordance with the procedure established by law. They submit that by the order of the DGP & T dated 17-3-80, a scheme granting productivity linked bonus was introduced. The above scheme covers all the regular employees and it was made applicable to the casual labourers who have worked atleast for 240 days for each years for 3 years. However the benefit of the scheme was not made applicable to RTP candidates. The applicants also submitted that this Tribunal has already decided a number of cases granting bonus to RTP candidates both in Telecom department and Postal department. Aggrieved by the refusal to pay the bonus, the applicants submitted Annexure-2 representation inviting the attention of the respondents to the cases decided by this Tribunal viz. OA 612/89 and OA 171/89, and requested to extent the benefit to the Similarly situated RTPs also.

2. The respondents filed a reply statement contenting that RTPs in Telecom department cannot be equated with the RTPs working in the Postal department. Hence the decision of the Tribunal in OA 612/89 and 171/89 are not applicable and binding on them. They also submitted that the Telecom department was not a party in both cases cited by the applicants.

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3. At the time of final hearing the learned counsel for the respondents was <sup>not</sup> able to distinguish the facts of the cases nevertheless he pressed his arguments that the decision rendered in respect of RTP candidates in Postal department cannot be followed in cases of the applicants herein who are employed in the Telecom department.

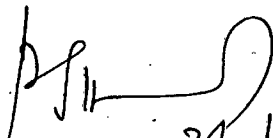
4. The applicant's learned counsel brought to our notice a decision of this Tribunal in OA 681/91 in which the first applicant is same as in the case in hand and other applicants were working in the Telecom department. The learned counsel for the applicant also submitted that the decision rendered in OA 612/89 and 171/89 were followed in OA 681/91 and <sup>the applicant's petition was</sup> granted the relief. Hence, this case also be disposed of following the aforesaid judgment.

5. In view of the facts that the first applicant in OA 618/91 and in this case are same person, it is not necessary for us to grant any relief to the first applicant in the case in hand. So far as the applicants <sup>herein</sup> 2 to 44 are concerned they are similarly situated like the applicants in OA 681/91. Since the relief sought and facts are similar, we are satisfied this case also be disposed of following the decision in OA 681/91. The learned counsel for the respondents cannot distinguish the facts of the case and satisfy that re-consideration of the matter is necessary.

6. Accordingly, we allow this Original Application in so far as the applicants 2 to 44 and direct the 3rd respondent to grant Productivity Linked Bonus under the scheme to applicants 2 to 44, if like the casual labourers working the Telecom department put in 240 days of service for 3 years or more as on 31st March of each bonus year after their redruitment. The amount of bonus will be based on their average monthly emoluments determined by dividing the total emoluments for each accounting year of eligibility by 12 and subject to the other conditions of the scheme prescribed from time to time..

7. The Original Application is, accordingly, allowed. There shall be no order as to costs.

  
(N. DHARMADAN)  
Member(Judicial)

  
(P.S. HABEEB MOHAMMAD)  
Member(Administrative)

3-4-92

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