

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 198
T. A. No.

1991

DATE OF DECISION

7.10.91

Sukumaran Nair & 31 others Applicant (s)

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

Versus

Union of India represented by Respondent (s)
Secretary to Government, Ministry
of Communications, New Delhi and another

Mr. George Joseph, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N. V. KRISHNAN, ADMINISTRATIVE MEMBER

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

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not? \wedge
3. Whether their Lordships wish to see the fair copy of the Judgement? \wedge
4. To be circulated to all Benches of the Tribunal? \wedge

JUDGEMENT

MR. N. DHARMADAN, JUDICIAL MEMBER

The applicants are aggrieved by the refusal of the respondents to grant productivity linked bonus to them.

According to the applicants, they commenced service as RTP Postal Assistants under the SSP Kollam. Later they were absorbed as regular Postal Assistants. They have undergone practical and theoretical training and they have discharged duties to the satisfaction of the superior officers. The applicants while working as RTP Postal Assistants, they worked almost all the days in every

month without any leave whereas regular employees are getting all facilities available to regular employees including bonus. The applicants submitted that they are also entitled to productivity linked bonus which was introduced in the P & T Department on the basis of series of discussions in the Department Council with representatives of the employees. Several persons similarly situated have filed O.A. 171/89 and similar applications for a declaration that they are entitled to the benefit of productivity linked bonus. This Tribunal by final order dated 18.6.90 following the order in O.A. 612/89 held that the applicants therein are entitled to productivity linked bonus. The applicants submitted that they are similarly situated persons like the applicants in O.A. 171/89, O.A. 132/89 etc. and they are entitled to similar benefits. Hence, they have filed this application for a declaration that they are entitled to be paid productivity linked bonus for the period during which they have rendered service at the same rate applicable to the regular employees.

2. Though the respondents have not filed reply statement the learned counsel for the respondents submitted that the respondents have no separate reply to be filed in this case and the matter stands covered by the earlier judgments

of this Tribunal in O.A. 171/89, O.A. 612/89, O.A. 132/89

etc.

3. At the time when the matter came up for hearing, no arguments were advanced by the learned counsel for the respondents to distinguish the facts of this case from that of the facts in O.A. 171/89, O.A. 612/89, O.A. 132/89.

Accordingly, we are of the view that this case is covered by the decision already rendered by this Bench in the aforesaid cases. We follow the judgment in those cases and allow the application with the declaration that the applicants are entitled to be paid productivity linked bonus for the period during which they have rendered service at the same rate applicable to regular employees if like the casual workers they had put in 240 days of service each year for three years or more as on 31st March, of each Bonus year after their recruitment as RTP hands.

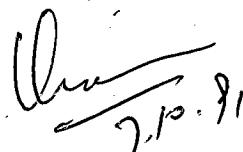
We further direct the respondents to disburse to the applicants all arrears due to them.

4. The application is allowed to the extent indicated above. There will be no order as to costs.


N. Dharmadan

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(N. DHARMADAN)
JUDICIAL MEMBER


N. V. Krishnan
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(N. V. KRISHNAN)
ADMINISTRATIVE MEMBER