

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 225
T. A. No.

1991

DATE OF DECISION

14.11.91

Lissy Cherian and 12 others Applicant (s)

Mr. Paul Varghese

Advocate for the Applicant (s)

Versus

Union of India represented by Respondent (s)
Secretary to Govt., Ministry of
Communications, New Delhi and others.

Mr. Mathews J. Nedumpara, A.G.S.C.

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? 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 applicants are aggrieved by 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, Alwaye Postal Division, Alwaye. They have undergone practical and theoretical training and they are discharging duties to the satisfaction of the superior officers. They also submitted that they were absorbed as Postal Assistants in regular establishment on different dates. The applicants while working as RTP Postal Assistants 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 the representatives of the employees. Several persons similarly situated have filed O.A. 171/89, O.A. 612/89 and other similar cases for a declaration that they are entitled to the benefit of productivity linked bonus. This Tribunal in O.A. 171/89 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 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, if like casual workers they have put in 240 days of service each year for three years or more as on 31st March of each year after their recruitment.

2. The respondents have not filed any reply statement except stating that they have no separate reply to be filed in this case. The decision in O.A. 171/89 and O.A. 612/89 will apply in this case and they have only

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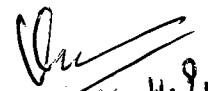
the defence which they have raised in those cases.

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. 179/89 and O.A. 612/89. 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, ^{if} according to law, if any, due to them.

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


14.11.91

(N. DHARMADAN)
JUDICIAL MEMBER


14.11.91

(N. V. KRISHNAN)
ADMINISTRATIVE MEMBER

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