

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 278/91 &
XXX XXX OA-560/91 199

DATE OF DECISION

14/1/92

KK Gopinathan & 12 others Applicant(s) in OA-278/91
NM Mercy & 19 others - Applicants in OA-560/91

Mr Paul Varghese Advocate for the Applicant(s) in both
the cases
Versus

Union of India & another Respondent(s)

Mr K Prabhakaran, ACGSC Advocate for the Respondent(s) in
CORAM: Mr NN Sugunapalan, SCGSC - Advocate in OA-278/91
OA-560/91

The Hon'ble Mr. NV Krishnan, Administrative Member

&

The Hon'ble Mr. AV Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
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

(Mr AV Haridasan, Judicial Member)

^a
As/common question is involved in both these cases,
they are being disposed of by a common order.

2. The 13 applicants in OA-278/91 and the 20 applicants in OA-560/91 have filed these applications praying for a declaration that they are entitled to get Productivity Linked Bonus for the period during which they had rendered service as short duty Postal Assistants when they were in the Reserve Trained Pool(RTP). The applicants in both these cases were recruited as RTP Postal Assistants in the years 1982 and 1983, the applicants in OA-278/91 under the Superintendent of Post

Offices, Tiruvalla Division and the applicants in OA-560/91 under the Superintendent of Post Office, Irinjalakuda Division. After training they were posted as short duty Postal Assistants in various post offices in these 2 divisions. While working as short duty Postal Assistants, they were paid remuneration @ Rs.2.75 per hour. All the applicants except applicant No.13 in OA-278/91 have now been absorbed in the regular service of the Postal Department. Applicant No.13 in OA-278/91 resigned from the Department on 28.10.1987. The claim of the applicants is that as they have worked almost continuously and was discharging the functions similar to that of regular employees, they are also entitled to the Productivity Linked Bonus paid by the Department to the regular employees. They based their claim on the judgement of this Tribunal in OA-171 and 612 of 1989 in which RTP Postal Assistants were directed to be paid Productivity Linked Bonus. Inviting attention to these judgements and stating that they are also identically situated and therefore entitled to the same benefit, the applicants requested the respondents to pay them also the Productivity Linked Bonus. But on the basis of a clarification issued from the office of the Director General of Posts to the Chief PMG, Trivandrum that the implementation of the judgement in OA-612 and 171 of 1989 should be restricted in respect of the petitioners therein, the respondents are refusing to pay to the applicants the productivity linked bonus for the period during which they have worked as RTP Postal Assistants. It is averred in the application that ^{as herein} the applicants/and the applicants in OA-612 & 171 of

3

..3...

1989 being identically placed, there is no justification for the respondents to deny them the benefit of the productivity linked bonus. The applicants therefore pray that it may be declared that they are entitled to get productivity linked bonus during the period/which when they had rendered service as short duty Postal Assistants in the RTP and that the respondents may be directed to pay xxxxxxxxxxxxxxxxxx to them the bonus with interest therein.

3. Though these 2 applications were posted for completion of pleadings on several occasions, the respondent did not file any reply statement. When the case finally came up for hearing on 24.9.1991, the learned ACGSC appearing for the respondents submitted that inview of the decision in OA-1170/90 dated 22.4.1991 a copy which was produced for our perusal by him, the respondent do not indent filing any reply and that the case be disposed of in the same line.

4. We have perused the judgement in OA-1170/90. The applicants in that case who were recruited as RTP Postal Assistants on various dates from 18.12.1982 and 4.2.1985 had filed the application for claiming productivity linked bonus for the period during which their services were utilised as short term Assistants in the RTP category. Relying on the earlier judgement in OA-171 and 612 of 1989, this Bench held that the applicants in those cases were entitled to the benefit of productivity linked bonus, if like the casual workers they had put in 240 days of service each year for three years or more as on 31st

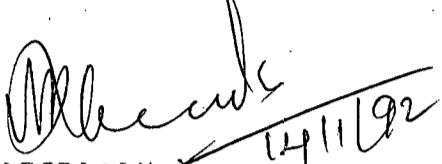
March of each bonus year after their recruitment as RTP candidates. It was also directed that the productivity linked bonus should be based on the average monthly emoluments determined by dividing the total emoluments for each accounting year of eligibility, /12 and subject to other conditions of the scheme prescribed from time to time. As the applicants in these 2 cases base^{ing} their claim on exactly identical foot, we are convinced that they are also entitled to the same benefit as was given to the applicants in DA-171 and 612 of 1989 and DA-1170/90. The applicants therefore are entitled to the declaration that they are entitled to productivity linked bonus for the period during which they were worked as short duty Postal Assistants in the RTP category.

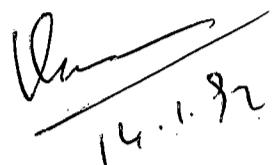
5. In the result, we allow these 2 applications, declare that the applicants are entitled to get productivity linked bonus for the period when they had worked as short duty Postal Assistants in the RTP category, if like the casual workers they had put 240 days of service each year for three years or more as on 31st March of each bonus year after their recruitment as RTP candidates. The productivity linked bonus should be based on the basis/average monthly emoluments of the applicants 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. We further direct the respondents that the productivity linked bonus due to the

3

applicants should be determined and disbursed to them within a period of two months from the date of communication of this orders.

6. There is no order as to costs.


(AV HARIDASAN)
JUDICIAL MEMBER


(NV KRISHNAN)
ADMVE, MEMBER

trs