

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 348
T. A. No.

1991

DATE OF DECISION

4.12.91

A. G. John & 38 others Applicant (s)

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

Versus

Union of India represented by Respondent (s)
Secretary to Govt. Ministry of
Communications, Department of Posts, New Delhi & another

Mr. V. Krishnakumar, 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? ^{7/4}
2. To be referred to the Reporter or not? ¹⁰
3. Whether their Lordships wish to see the fair copy of the Judgement? ¹⁰
4. To be circulated to all Benches of the Tribunal? ¹⁰

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 Reserve Trained Pool Postal Assistants under the Sr. Supdt. of Post Offices, Pathanamthitta Division. They have undergone practical and theoretical training and they were posted as short duty assistants in various post offices on various dates. They also submitted that they were absorbed as Postal Assistant in regular establishment.

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. Several persons similarly situated have filed O.A. 171/89 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, 612/89 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 regular employees.

2. The respondents have not filed a reply statement. The learned counsel for the respondents was not able to distinguish the facts of this case from that of O.A. 171/89 and other similar cases.

3. It is unfortunate that in spite of a number of judgments pronounced by this Tribunal regarding admissibility of productivity linked bonus to RTP hands in the Postal Department, that department is driving their employees to the Tribunal when it would have been more graceful for the department to extend the benefits to similarly situated persons. None of the judgments of this Tribunal on this issue has been stayed or set aside by the Supreme Court. We are bound by those judgments.

4. 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 as RTP Postal Assistants on the basis of the average emoluments applicable to them in the same manner like the casual workers who had put in 240 days of service ~~each~~⁶ year for three years or more as on 31st March of each bonus year after their recruitment. We further direct the respondents to disburse to the applicants arrears if any due to them.

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5. The application is allowed as indicated above.

There will be no orders as to costs.

N. Dharmadan

(N. DHARMADAN)
JUDICIAL MEMBER

4.12.91.

N. V. Krishnan
4.12.91

(N. V. KRISHNAN)
ADMINISTRATIVE MEMBER

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