

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
XXXXX 367 of 199 2

DATE OF DECISION 26-5-1992

K.K.Viswanathan & others Applicant (s)

M/s P.K.Aboobacker & Advocate for the Applicant (s)
Shafik M.A.
Versus

Secretary, Ministry of Respondent (s)
Communications and others

Mr.N.N.Sugunapalan, SCGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. S.P.Mukerji, Vice Chairman

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 ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. To be circulated to all Benches of the Tribunal ?

JUDGEMENT
(Hon'ble Mr.S.P.Mukerji, Vice Chairman)

In this application dated 17.2.92 filed under Section 19 of the Administrative Tribunals Act, the six Telephone Operators working under the Telecom District Manager, Trichur have prayed that they should be declared to be entitled to Productivity Linked Bonus during the period they rendered ^{service} as R.T.P.Candidates and to get the benefits of RTP service as regular service for the purpose of pay, seniority etc.

2. During the course of the arguments the learned counsel for the applicants did not press the relief regarding regularisation of the service of RTP candidates ^{but sought} ^{on that which} liberty to move appropriate forum if so advised and in accordance with law. So far as the relief regarding

Bonus is concerned, the applicants have relied upon the decisions of this Tribunal in similar cases in O.A. 171/89, 612/89 and 1595/91. In all these three cases the judgment of this Tribunal dated 20.11.91 in O.A.1595/91 of this very Bench would be most relevant as ~~they~~ related to the claim of Telephone Operators/ Telecom Office Assistants. In that judgment the ratio of the decision of the Tribunal in case of RTP Candidates of the Department of Posts was extended to the RTP candidates of the Telecom Department also as ~~any~~ distinction between them was held to be violative of Articles 14 and 16 of the Constitution.

3. The learned counsel for the respondents in this case did not file any counter affidavit, indicating that the stand taken in similar earlier cases will be the same in this case also. ~~They~~ indicated that there would be no objection if the case is disposed of on the basis of the judgment of this Tribunal in similar cases.

4. Accordingly following the judgment of this very Bench of the Tribunal in O.A.1595/91 delivered on 20.11.91 we allow this application also declaring that the applicants while they were in the RTP category, are entitled to the benefits of productivity linked bonus, ~~as~~ 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 R.T.P. candidates. The amount of productivity linked bonus would be based on their average monthly emoluments

determined at the rate applicable to them 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. There will be no order as to costs.

N. Dharmadan
26.5.92

(N.DHARMADAN)
JUDICIAL MEMBER

S.P. Mukerji
26.5.92

(S.P. MUKERJI)
VICE CHAIRMAN

26-5-1992

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