

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 374/92

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DATE OF DECISION 3-4-92

Prasanna and 6 others Applicant (s)

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

Versus

Chief General Manager, Respondent (s)
Telecommunications, Kerala Circle, Trivandrum and 3 ors.

Mr. Mathews J Nedumpara Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. P.S. Habeeb Mohammed, Member (Administrative)

The Hon'ble Mr. N. Dharmadan, Member (Judicial)

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

N. Dharmadan, M(J)

All the seven applicants herein are Telegraph Assistants in the department of Telecommunication working under Senior Superintendent of Telegraph Traffic, Ernakulam and Trivandrum. They moved^y this Tribunal by this application under Sec.19 of the Administrative Tribunals Act 1985 to declare that they are entitled to be paid Productivity Linked Bonus (PLB for short) for the period during which they worked as Reserve Trained Pool candidates discharging the duties of regular Telegraph Assistants.

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2. Brief facts: All the seven applicants were initially recruited as Short duty Telegraphists in the Reserve Trained Pool during 1984-89 under respective Senior Superintendents Telegraph Traffic. The selection to Reserve Trained Pool (RTP for short) was made through a regular process of selection and they were imparted training. Since then they were discharging the similar duties of Telegraph Assistants who are regularly selected, from various date in 1989 and 90. The applicants submitted that during the above period they were not given the facilities such as leave, weekly off etc. During this period the Govt. introduced PLB to the employees of P & T Department. This scheme of PLB covers all its employees including casual labourers provided they put in 240 days of service each year for three years or more as on 31st of each year. The R.T.P. candidates working in different posts, were enblock isolated from the Bonus scheme and they alone were not paid Bonus. Being aggrieved by the refusal they represented to the Govt. but nothing was heard from them. Aggrieved by the non-payment of PLB they file this application. The applicants further submitted that Ernakulam Bench and the Madras Bench of this Tribunal in identical cases granted PLB to R.T.P. The benefit of PLB was extended to only those who moved the Tribunal and Annexure-I is an order issued by the Senior Superintendent, Ernakulam Telephones, in compliance with the order of the Tribunal in OA 171/89.

3. The respondents have not filed any reply despite the fact that they sought time to file a statement in this regard. However, when the case was taken up for hearing the learned counsel on both sides ^{agreed} ~~contended~~ that the case in hand is covered by a decision of this Bench in OA ⁴ 612/89. This Bench has disposed of many cases following the decision in OA 612/89. Since the facts as well as the relief sought in this case are similar to OA 612/89, we are inclined to follow the decision in OA 612/89 in this case also. This Tribunal while allowing the claim of RTP candidates, who were applicants in OA 612/89, observed as follows:

"...Since the RTPs cannot be held to be having a status inferior to that of a casual labourers as they had been selected after a tough open market competition and trained by the department, we feel that the RTPs should also be entitled to the productivity linked bonus atleast in parity with the casual workers of P & T department. The RTPs when employed contributed to the production of the department as much as any casual or regular workers.Any discrimination against the RTPs according to us will be discriminatory and violative of Article 14 and 16 of the Constitution of India...."


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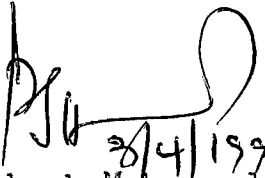
"....In the facts and circumstances we allow this application to the extent of declaring that the applicants as RTP are entitled to the benefit of productivity linked bonus if like the casual workers they put in 240 days of service each year for three or more as on 31st March, of each year after their recruitment...."(OA 612/89 Kuttisankaran & another V. Union of India, (OE. Ernakulam Bench)-unreported)

3. In the light of the observations of the Tribunal in OA 612/89, we allow this Original Application and declare that the applicants as RTP candidates are entitled to the benefit of PLB, if they put in 240 days of service each year for three years or more as on 31st of March of each year after their recruitment. The amount of PLB would

however, be based on their average monthly emoluments as 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.

4. The Original Application is, thus allowed to the extent indicated above. We make no order as to costs.


(N. Dharmadan)
Member(Judicial)


(P.S. Habeeb Mohammed)
Member(Administrative)

3-4-92

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