

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 390 of 1993.

DATE OF DECISION 28-4-1993

Mr KA Shashikumar Applicant (s)

M/s PK Ravisankar &
KV Bhadrakumar Advocate for the Applicant (s)

Versus

DOI represented by Secretary, Respondent (s)
M/o Communications, New Delhi & 2 others

Mr KV Raju, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. AV HARIDASAN, JUDICIAL MEMBER

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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

No reply has been filed. The learned counsel for the respondents submits that the respondents are adopting the contentions raised by them in OA-612/89. Hence the learned counsel for the respondents is allowed to address the argument raised by the respondents in OA-612/89.

2. The applicant was initially recruited in the Department as RTP candidate on 17.1.1984 and after training he was thereafter continuously working as RTP Postal Assistant till 29.5.1990 when he was regularly appointed. His grievance is that even though the employees of the Postal Department including the casual labourers were being paid productivity linked bonus, the same


benefit is unjustifiably denied to him. Finding that in an earlier case OA-612/89 filed by similarly situated persons like the applicant, this Tribunal had declared that the RTP Postal Assistants are entitled to the productivity linked bonus, the applicant made a representation to the competent authority claiming productivity linked bonus. In reply to this representation the applicant was served with the impugned order at Annexure-A4 stating that the question of extension of the benefit of the judgement ~~in the judgement~~ of the CAT regarding payment of productivity linked bonus for the period of service rendered as RTP to the similarly situated persons who were not parties to the O.A. were under consideration by the Directorate and that no decision has been taken. It is aggrieved by not extending the benefit to the applicant that the applicant has filed this ^{praying} application/that it may be declared that he is entitled to the productivity linked bonus if he has put in 240 days of service each year for 3 years or more as on 31st March of each year.

3. The learned counsel for the respondents argued that the applicant was paid an hourly rate basis for the service rendered by him as RTP Postal Assistant and therefore he not being a regular employee is not entitled to the productivity linked bonus.

4. I am not impressed with the above argument. The same argument was addressed before the Tribunal in OA-612/89 and 171/89 and other cases. Finding that the RTP Postal Assistant cannot be treated inferior to the casual labourers it was held in those cases that the RTP Postal Assistants are entitled to

the benefit of productivity linked bonus during their service as RTP hands 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. I am in full agreement with the above view and I do not find any reason to deviate from that view.

5. In the conspectus of facts and circumstances I allow the application to the extent of declaring that the applicant is entitled to the benefit of productivity linked bonus during his service as RTP hands if like the casual workers he had put in 240 days of service each year for three years or more as on 31st March of each Bonus year after his recruitment as RTP hands. The amount of productivity linked bonus would be based on his average monthly emoluments 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. The productivity linked bonus calculated in the above line due to the applicant should be paid within a period of two months from the date of receipt of a copy of this order. No order as to costs.


(AV HARIDASAN)
JUDICIAL MEMBER
28-4-1993

trs