

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 394 of 1991.
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DATE OF DECISION 30th JULY 1991

P.K.Omana and 27 others Applicant (s)

M/s MC Cherian & TA Rajan Advocate for the Applicant (s)

Versus

Union of India represented Respondent (s)
by Secretary, M/o Communications and others

Mr. George Joseph, ACGSC Advocate for the Respondent (s)

CORAM:

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

and

The Hon'ble Mr. A. V. Haridasan - 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 Shri S. P. Mukerji, Vice Chairman)

In this application dated 28.2.1991 filed under Section 19 of the Administrative Tribunals Act, the 28 applicants who have been working as Sorting Assistant in various Postal Units under the Superintendent of Railway Mail Service, Ernakulam Division have prayed that they should be declared to be entitled to be paid Productivity Linked Bonus for the period during which they rendered service as Reserve Trained Pool (RTP) candidates at the same rates as applicable to regular employees and paid arrears. They have relied on the decisions of this Tribunal in O.A.171/89 (Annexure-II) and O.A.612/89.

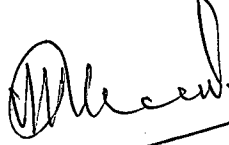
2. The brief facts of the case are as follows. All the applicants commenced their service as R.T.P. employees

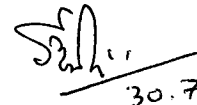
under the 3rd respondent i.e., Senior Superintendent, R.M.S Ernakulam Division on the basis of their success in the qualifying examination. They had been given training in the job of Sorting Assistant and given short-term assignments as and when need arose as Sorting Assistant before they could be absorbed in regular vacancies. They have been working as Sorting Assistant while in the R.T.P. for years together but without the regular salary of Sorting Assistant. They have been discharging all the duties of regular Sorting Assistants during this period ^{but} and have been deprived of the Productivity Linked Bonus which was being granted even to Casual Mazdoors.

3. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. The respondents did not file any statement or counter affidavit to the main application despite four hearings given. Finally the learned counsel for the respondents argued the case on the basis of the available documents.

4. The case of the entitlement of R.T.P. candidates to Productivity Linked Bonus was discussed in detail in the judgment of this Tribunal dated 18.6.1990 to which one of us (Shri S.P.Mukerji) was a party rendered in O.A.171/89. A copy of the judgment is at Annexure-II. The learned counsel for the respondents did not point out any factor in this case which will distinguish ^{this case from} the cases of R.T.P. candidates decided by the aforesaid judgment. Accordingly based on the previous decisions of this Tribunal in O.A.171/89 and O.A.612/89, we allow this application and declare the applicants before us to be entitled as R.T.P. Sorting Assistants to the benefits of Productivity Linked Bonus, if like the Casual Workers they put in 240 days of service each year for ~~the~~ 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 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.


30.7.91
(A.V. HARIDASAN)
JUDICIAL MEMBER


30.7.91
(S.P. MUKERJI)
VICE CHAIRMAN

30.7.1991

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