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CENTRAL ADMINISTRATIVE TRIBUNAL

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LUCKNOW

Original Application No. 398 of 1990

Bhartiya Telecom Adm Officers

Employees Union and another

Applicants.

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

This application has been filed by the applicants claiming relief for issue of a direction to be issued to the respondents to pay bonus as given to the employees of Telecommunication Department from 1986-87, 87-88, 88-89 and 89-90 as per directions contained in Annexure No. 1 to the application. The complaint of the Union members is that notwithstanding the representation made and even though no option was given by the applicants at the time of bifurcation of the Post and Telecommunications Department, they were shifted to the Postal side under the Administrative control of the P&T Department, and there is direction that before bifurcation of the work, of the erstwhile P&T Deptt. the employees, who were performing the combined work of Telecommunications and Postal Departments i.e. intermittently the work of both the Departments would continue to be paid at the higher rate admissible to the employees of the Telecom Department, but the applicants have been singled out and they are not getting bonus.

2. According to the respondents, after bifurcation of the Postal and Telecommunication Department, P&T Dispensaries were under the administrative control of the Department of Telecommunication upto 10.6.85 and

thereafter, these were placed under the administrative control of the Department of Posts and the productivity linked bonus for the year 1985-86 was paid to the staff of P&T Dispensary at the rates applicable to the staff of Department of Telecom vide letter dated 13.10.1986 for 40 days because the staff of P&T Dispensary were under the administrative control for part of the year 1985-86 under Telecom and remaining part of the year under Post Wing. The productivity linked bonus to the staff of P&T Dispensaries for the year 1986-87 and thereafter were paid at postal rates because the administrative control of P&T Dispensaries during 1986-87 and thereafter under Postal Wing and the applicants were not entitled to the bonus at the Telecom rates. Thus, according to the respondents, the rates for both are different and applicant cannot claim the same rate, while according to the applicants, the same tantamounts to discrimination.

3. ~~It may be~~, The respondents have justified this discrimination on the ground that the duties and functions are different. It may be that the department for one wing, different rate of bonus is given and for other wing other rate is being given, but bonus is payable to both, but so far as the rate of bonus is concerned, no rate of bonus can be claimed. The different rates of bonus are based on classification in the two different wings due to different responsibilities and duties and the said classification cannot

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be said unreasonable and unfair and accordingly, there appears to be no merit in the case and the application is dismissed. No order as to costs.


Vice Chairman.

Shakeel/-

Lucknow:Dated: 25.1.93.