

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ~~Lucknow~~ BENCH

OA/TA/RA/CP/MA/PT 398 of 20-90

Bhartiya Telecom. Adm. offices. Emp.Applicant(S)

Versus

V.O.I. & ans. Respondent(S)

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Certified that the file is complete in all respects.

B8C. file sealed & destroyed. *26.6.12*Signature of S.O. *John*

Signature of Deal. Hand

Central Administrative Tribunal

Lucknow Bench

INDEX SHEET

Cause Title OA 398/90 of 1993.

Name of the Parties P.T.A.T.O.E. -----Applicant
Versus

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B. File

Petition, Annexure B 61 to 93/110

C.A.R.A. vikalatnam

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CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

(A)

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of filing ... 10/12/90
Date of Receipt by Post ...
Deputy Registrar (J)

398

Registration No. 808 of 1989/90 (L)

APPLICANT(S)

Bhartiya Telecom Adm. offices Employees

RESPONDENT(S)

Union Govt through Dr. Ram Das Misra

U. O. I. & others

Deputy Registrar (J)

DSW

10/12

Particulars to be examined

Endorsement as to result of examination

1. Is the appeal competent ?	yes
2. a) Is the application in the prescribed form ?	yes
b) Is the application in paper book form ?	yes
c) Have six complete sets of the application been filed ?	yes
3. a) Is the appeal in time ?	yes
b) If not, by how many days it is beyond time ?	N.A.
c) Has sufficient cause for not making the application in time, been filed ?	yes
4. Has the document of authorisation/ Vakalatnama been filed ?	yes
5. Is the application accompanied by B.D./Postal Order for Rs.50/-	yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed ?	yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	yes
c) Are the documents referred to in (a) above neatly typed in double space ?	yes
8. Has the index of documents been filed and paging done properly ?	yes
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application ?	yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal ?	yes

No

A3

2 ::

Particulars to be Examined

Endorsement as to result of examination

11. Are the application/duplicate copy/spare copies signed ? *Yes*

12. Are extra copies of the application with Annexures filed ? *Yes*

a) Identical with the Original ?

b) Defective ?

c) Wanting in Annexures

Nos. _____ pages Nos. _____ ?

13. Have the file size envelopes bearing full addresses of the respondents been filed ? *No*

14. Are the given address the registered address ? *No*

15. Do the names of the parties stated in the copies tally with those indicated in the application ? *Yes*

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? *Yes*

17. Are the facts of the case mentioned in item no. 6 of the application ? *No*

a) Concise ?

b) Under distinct heads ?

c) Numbered consecutively ?

d) Typed in double space on one side of the paper ? *No*

Have the particulars for interim order prayed for indicated with reasons ? *No*

Whether all the remedies have been exhausted ? *No*

Next

10/12/90

D.R

Put up before the Hon. Bench,

on ~~18/11/91~~ for orders.

10/12

10/12

(A2)

OA 398/90.C

28.1.91 No Sittings Adj to 7.2.91

Dr

7/2/91

Non. Mr. Justice K. Metha, V.C.
Hon. Mr. K. Obeyya, A.M.

Shri P. Surendran, the learned
Counsel for the applicant requests
for an opportunity to implead
some of the persons who are
members of the applicant's Union
and are also interested in the
relief sought. List for admission
on 11/3/91, along with amendment
application, if any.

b
Am.

OR
VC.

11.3.91 No Sitting adj to 19.3.91.

19.3.91 No Sitting adj to 2.4.91.

OR

OR
i.e. for the applicant
has filed MP No 140/91
for amendment.

S.FA/10

114

(AS)

O.A. 398/90

29.7.91
D.R.

Both the parties are absent today. Counter has not been filed Respondent to file counter by 21.10.91.

21.10.91
D.R.

Both the parties are present. Counter has been filed by Sri V.K. Chandharia I.D. C.R. On 19/9/91. Applicant to file Rejoinder by 19/11/91.

19.11.91
D.R.

Applicant is present. Rejoinder to be filed on or before 6/12/92. O.P. is absent.

6/12/92
D.R.

Both the parties are present. Applicant to file Rejoinder by 30/4/92. On 11/12/91. case is listed for hearing.

(A)

on 398/90 L

28/1/92

O.R.

No 311mg of D.P. self to
22.1.93

CA/RA have
been filed

20

22.1.93

21.1.93

Frank Mr. Justice L.C. Supreme X

on law request of both
parties Central Case Conference
to 25.1.93

✓

VC

A8

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

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

(Alo)

-3-

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.

(AU)

BEFORE THE CENTRAL ADMINISTRATION TRIBUNAL LUCKNOW
APPLICATION NO. OF 1990

Bhartiya Telecom Adm. Offices Employees Union
Offices of C.G.M.T. U.P., Lucknow through
Sri.Dr.Ram Das Mishra Scirle Secretary.
x. Shri Pushkar Chauhan, s/o Smt. Parvatiwar Datt Chauhan
of present working as Male Nurse P&T Dispensary No. II
Rajindra Nagar, Lucknow. ... Applicant.

A movement in favor
dated as per orders
dated 2-4-91
P.M. 91
3-4-91

Versus

1. Union of India through the Secretary Ministry of Communications, New Delhi.
2. The Secretary, Department of Posts, Post & Telegraph Department, New Delhi.
3. The Secretary, Department of Telecommunications, New Delhi.
4. The Chief Post Master General, U.P., Lucknow
5. The Chief General Manager, Telecommunication U.P., Lucknow.

... Opp. Parties.

DETAILS OF APPLICATION

1. Particulars of the order against which the application is made:-

seeking a direction to pay Bonus to the members of the applicants Union as per Circular No. 6-16/86-CSB dated 21st January, 1987
2. Jurisdiction of the Tribunal:-

The applicant declares that the subject matter fall within the jurisdiction of this Tribunal.
3. Limitation:

The applicant further declares that the application

28/11/90

before

Contd. 2

Administrative Tribunal
Court Bench, Lucknow
Date of Filing 10/12/90
Date of Receipt by Post 10/12/90

is within the limitation period prescribed in Section 21 of the Administrative Tribunals Act, 1985.

4. Facts of the case:-

(1) That the following are members of the applicant Union:- All the members have a common interest in the case and a common Judgment can serve the purpose.

1. S/Sri S.P. Pandey - Store Keeper
2. " R.P. Pandey - Pharmacist
3. " R.N. Tewari - "
4. " J.P. Saini - L/Tech.
5. " K.N. Tewari - Clerk
6. " R.L. Tripathi - "
7. Smt. Burdhan - W/W
8. " Prem Lata - Group 'D' Staff
9. Smt. Mahabeer - "
10. " Shamsher - "
11. " Ashok Kumar
12. Smt. Sora Devi
13. " Softrtoon Bano
14. " Aisha Bano
15. Smt. O.P. Maurya
16. " Ravinder Singh - Pharmacist
17. " Ram Pher
18. " Ram Sahai
19. " S.B. Chaubey - Nurse
20. " M.M. Siddiqui - Clerk
21. " A.H. Azad
22. " Raj Kumar
23. " Sahdeo Kumar
24. " Jamaluddin
25. " J.B. Shukla
26. Smt. Maya Devi
27. " Sona Devi

Filed today
Smt. R.
10/12/90

28/12/90

28. S/Sri Basanto
29. " Babu
30. " Bachey
31. " Chhattar Pal
32. " Shyam Lal
33. " Chandra Mohan
34. " J.L.Nigam - Retd.
35. " T.D. Nigam
36. " D.N. Singh - L/Tech
37. " C.B.Gupta - Pharmacist
38. " Mohd. Zuber "
39. " Mohd. Washim Khan - L/Tech.
40. Smt. Gurmeet Srivastava - Nurse
41. Sri Mohd. Nafees - Dresser
42. " Ram Kumar - "
43. " Uma Shanker - "
44. " Mohd. Siddiqui - Clerk
45. " O.P. Misra - "
46. Smt. Maya Devi - Aya
47. " Shakuntala - "
48. " Bheema Devi - Sweeper

(2) That the applicant is a Registered Union and its Registration No. is 373 Its function is to look-after the welfare of its members.

(3) That in the year 1985 the Post and Telegraph Department was bifurcated into two parts known as Department of Post and Department of Telecommunications. Opposite party No. 1 is Head of Both the Departments and remains the Controlling Authority.

(4) That the aforesaid members of the applicant are working under the Control of Opposite party No.4.

(5) That before and after the bifurcation of the


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(A) 14

erstwhile Post and Telegraph Department, the members of the applicant was/is performing the combined work of Telecommunications and Postal Departments.

(6) That in the year 1987 a Circular was issued for the payment of Bonus to those persons who are serving combined work to both the Sections. In fact it was for P&T Civil Wingh, by a general decision was taken that those persons who are performing work for both the Sections would continue to be paid higher rate of bonus admissible to Telecommunication Department. A copy of the circular is annexed herewith as Annexure-1 to this application.

(7) That in compliance of the aforesaid circular the members of the petitioner known as P&T Dispensary staff were given higher rate of bonus admissible to Telecommunication Department for the year 1985-86.

(8) That on a perusal of Annexure No. 1, it is seen that there is a clear direction "Before the 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 Telecom. Department.

(9) That in the year 1986-87, the respondents did not follow the directions contained in Annexure No. 1, made a representation to the Post Master General on 23-2-87, a copy of the same is Annexure No. 2 to this application.

(10) That in the year 1987-88, the members of

Dh
28/11/87

A/1

the petitioner was not given bonus as per the directions contained in the Circular No.1, they again moved representation stating that they may be given the bonus in the higher rate as applicable to the employees of the Telecom. Department. A copy of the representation is attached herewith as Annexure No.3.

(ii) That similarly in the year 1988-89, the respondents adopted the same policy and were not given the bonus admissible to the employees of Telecom. Department, moved another representation, copy of the same is annexed herewith as Annexure No.4 to this application.

(12) That all those representations are still pending and the respondents have not taken any interest to decide the matter.

(13) That on 18th September, 1990, again a General Circular was issued by means of which 34 days productivity Linked Bonus was ordered to be paid to the members of the petitioners, whereas 47 days bonus was ordered to be paid to the employees of Telecommunications.

Copies of these circulars are annexed herewith as Annexure No. 5 & 6 respectively.

(14) That in the year 1986-87, 87-88, 88-89 the employees of Telecom. Department were given 42, 44 & 46 days Bonus, whereas the members of the petitioners were given 34, 35, & 36 days bonus. Copies of circulars issued by the respective departments in this connection are annexed herewith as Annexure Nos. 7 to 12 to this application.

(15) That as stated above the members of the applicant performing the duties to both the departments

28/1/95

and their Unit Designation is still Post & Telegraph Dispensaries, they are entitled to get higher rate of bonus admissible to the employees of Telecommunication Department.

(16) That the circular Annexure No.1, provides that the persons who performed combined services to both the departments are entitled to get higher rate of bonus applicable to the Telecommunication Departments.

(17) That there is a clear discrimination done in the case of the members of the applicants as they have given only 34, 35, 36, 34 days bonus whereas the employees of Telecommunication Departments were given 42, 44, 46 and 47 days bonus for the years 1986-87, 87-88, 88-89 & 1989-90, thus attracted the provisions of Article 14 & 16 of the Constitution.

(18) That at the time of bifurcation no option was asked for or received from the members of the applicant as most of the members were appointed by the Telecommunication Department.

5. Grounds of Relief with Legal Provisions:-

(i) Because the action of the respondents are against the provisions of Article 14 & 16 of the Constitution.

(ii) Because the action of the opposite parties are against the directions contained in Annexure No.1.

(iii) Because all the representations made by the members of the petitioners are still pending.

(iv) Because the members of the petitioner are entitled to get bonus at a higher rate admissible to the employees of Telecommunication Department.

(v) Because the members of the petitioner was given bonus equivalent to the employees for the year 1985-86 and as such they are entitled to get equal bonus for the years 1986-87, 87-88, 88-89 & 89-90.

(vi) Because at the time of bifurcation no option was called for from the members of the petitioners.

6. Details of the remedies exhausted:-

Representations which were moved by the members of the petitioners On 23-2-87

26-2-88 & 30-3-89 are still pending.

7. Matters not previously filed or pending with any other courts:-

The applicant did not previously filed any application, writ petition or suit regarding the matter before any court.

8. Reliefs sought:-

In view of the above facts and grounds the applicant prays for the following reliefs:-

(i) This Hon'ble Tribunal may kindly be pleased to issue a direction to the opposite parties to pay bonus as given to the employees of Telecommunication Department from 1986-87, 87-88 88-89 & 89-90 as per the directions contained in Annexure No. 1 to this application.

(ii) Any other relief which this Hon'ble Tribunal deems just and proper be also passed.

9. Interim order, if any preyed for: No.

28/1/90

(AJP)

10. In the event of application being sent by registered post, it may be stated whether the applicant desires to have oral hearing at the time of admission stage and if so, he shall attach self-addressed postcard or inland letter, at which intimation regarding the date of hearing can be sent to him.

11. Particulars of ~~date or~~ ~~date~~ / postal order filed in respect of the application fee. I.P.O No. 802 415988
dated 29-11-90.

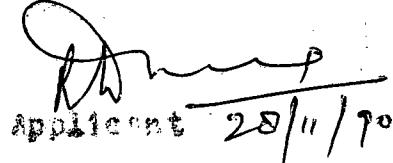
12. List of Enclosures:-

Annexures No. 1 to 12.

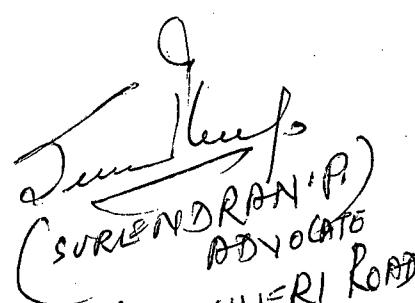
VERIFICATION

I, Dr. Ram Das Misra, son of late Sakh Dev Pd. Misra..... aged about 35... years, resident of C-3385, Rajaji param, Lucknow Circle Secretary, Shartiya Haddar Singh Co. Pd. Employees Union, Lucknow, do hereby verify that the contents of pages 1 to 12 are true to my personal knowledge. I have not suppressed any material fact.

Dated: Lucknow
28-11-90 1990


Applicant 28/11/90

Through —


(GURUDEV RANJAN Pd.)
ADVOCATE
17-KUTUBERI ROAD
AMINABAD, LUCKNOW

Before the Central Administrative Tribunal
Case No. 9
Application No. 7490 (A) 19

Bharatiya Telecom. Adm. Officers Employees Union
Applicant

Union of India and others - - op. Park's
venue

ANNEXURE NO.1.

Copy of comm. NO 6-16/86 CSB dt - 1/1 Jan 1987 from DC Posts
New Delhi addressed to All Heads Postal Circles and
Depts.

Sub: Admissibility of productivity linked bonus
for the financial year 1985-86 for the personnel
of Civil Wing, ~~Wing~~ Deptt. of Posts.

Sir,

A question has been raised as to whether the officials
of P&T Civil Wing for whom the cadre controlling
authority is the Deptt. of Telecommunications, should be
paid bonus at the rates applicable to Telecommunications
employees or not. It has been decided that the bonus would
be paid to the employees in relation to the department for
which work is carried out by them. In other words if an
employee has been performing the work of Telecommunications
Department, he would be paid at the rates admissible to
Telecom. employees and if working in the Postal Department
on the rates admissible to that Department. Before the
bifurcation of the work, at the erstwhile P&T Deptt. the
employees, who were performing the combined work of Telecom-
munications and Postal Deptts ie intermittently the work
of both the Departments would continue to be paid at the
higher rate admissible to the employees of Telecom. Department.

NO ESTA/R-73/ 1/ Dated at Lw, the 11-2-87

Copy forwarded for information guidance and n/a to:-

1. Director Postal Services Allahabad/Lucknow/Kanpur/Dehradun.
2. Director Postal Accounts Agra/Lucknow.
3. All SPCOs/SPOs/SSMs/SMs in UP Circle.
4. All AOs Lucknow/Saharanpur/Varanasi/Aligarh.
5. All AOs(SBCO)(AB).
6. Manager MIS Kanpur.
7. All Postmasters in UP Circle.
8. All Officers in Circle Office.
9. Chief Postmaster Lucknow/Kanpur.
10. All Sections in Circle Office.
11. All SPOs/HIs in Circle Office.
12. All Circle Secretaries of Unions in UP Circle(Postal).
13. Executive Engineer(Postal) Ashok Marg, Lucknow.
14. All MC I/C P&T Dispensaries in UP Circle.
15. Principal P&T Trg. Centre Saharanpur.

This is continuation of this office letter no
Bst A/F-73/85-36/1 dated at 10-86.

This receipt of this office letter may kindly be
acknowledged.

28/1/90

for Postmaster General UP.

11/2

Before the Central Administrative Tribunal
Lucknow
Bhartiya TeleCom. ADM. Offices Employees Union ^{Application No. A 20 of 1990} ^{versus} ^{Applicant}
Union of India and others. — OPP. Parties (19) (20)

ANNEXURE NO. 2

To: The P.M.C. (Revenue & S.R.)

U.P. Circle ~~Department~~

Subject: Demand of P.L. Bonus for 1983-84 at higher rates admissible to Telecom employees.

Ref: DR. P.L. letter No. 6-16/86-CSE dt. 21.5.1986
L.G. 1986, up direction under No. 1501/6-76/86/1,
dt. 22.5.87

Sir, With due respects we, the following employees of P.T. Disp. & C. Agency, Lucknow beg to submit that as per the order of DR. last No. 1501 referred to above before C. the determination of the work of the combined P.T. Deptt. the employees who were performing the combined work of Telecom and Posts Deptt i.e. intermittently viz. On work of both the departments would continue to be paid at the higher rates admissible to the employees of Telecom Deptt.

Since, the P.T. Dispensaries are also fall within the purview of the above order, we should also have been paid P.L. Bonus at par with Telecom employees but we have been paid P.L. Bonus for 27 days only at par with department of Posts.

We, therefore, request your goodness to cause drawn the DR. Bonus arrears for 13 days more to be given in parity with Telecom employees.

Thank you

Yours faithfully,

S. N. Khan

25.7.87


DR. 25.7.1990

1. Mr. S. N. Khan, P.T. Disp. & C. Agency, Lucknow
2. (With initials) DR.

(A23)

(21)

11
List of names of the Delegates

(1) (R. B. Patel) 23/2/01

(2) (R. K. Kumar) — Delegates 21/2/01

(3) (S. S. Nigam) ~~DB~~(4) (A. K. Nigam) ~~DB~~(5) (A. H. Agarwal) — ~~Delegates~~ 21/2/01(6) (B. Bachkew) ~~DB~~(7) (S. Shastri) ~~DB~~(8) (S. M. Majeed) ~~DB~~(9) (S. Sana Dini) ~~DB~~(10) (S. J. B. Shinde) ~~DB~~(11) (A. H. Agarwal) ~~DB~~(12) (M. M. Siddiqui) ~~DB~~(13) (S. B. Chande) ~~DB~~(14) (A. Moin) ~~DB~~

Before the Central Administrative Tribunal
Application No. of 1990 Azr 12

Bhartiya Telecom ADM. Offices Employees Union — Appellant
versus
Union of India and others — Opp. Parties 12
ANEXURE NO. 3

The C.P.M.
UP Circle Lucknow

Through proper channel

Sub : Drawl of Bonus for the
year 1987-88 at par with the
staff of Telecom Department.

Sir.

The staff of Pat Dispensaries have
been serving the staff of both
the Department, i.e. Postal and Telecom.

Therefore as per instructions

Contained in Sir Posts Letter No.

6-16/86-C&E dated 21.1.87 endorsed
vide C.P.M. UP letter No. ESTA/R-28/86/1
dated 11.2.87. The staff of Pat Disp.
may kindly be paid the Bonus at par
with Telecom. Department.

Yours faithfully.

S. B. Chauhan

(S.B. Chauhan)

Male Name

20-2-88

1. ABH

2. CKY

3. CKD

4. LMW

5. DRD

6. DRD

281-190

Before the Central Administrative Tribunal (known
Application No. A 25 of 1990 (13)
Bhartiya Telecom ADM. Offices Employees Union - APRheat
versus
Union of India and others — opp. Parties (23)

ANNEXURE NO. 4

The C.P.Ms.

UP Circle Dhanbad

Through proper channel

Sub : Drawal of Bonus for the
Year 1988 sqat par with the
Staff of Telecom Department
Sir.

The Staff of Post Dispensaries have
been serving the Staff of both
the Department i.e. Postal and Telecom.

Therefore as per instructions

Contained in des. Paris letter No
6-16/86 - cst dated 21.1.88 endorsed
vide C.P.Ms. UP letter no. ESTA/R-78/86/1
(dated 11.2.88). The Staff of Post Disp.
may kindly be paid the Bonus at par
with Telecom Department

1. C.M.
2. (g)
3. cst
4. Lm.
5. cst
6. Total
7. —

Yours faithfully
B.B. Chauhan

B.B. Chauhan
male/valve
28/19/89
30-1-89

Bhartiya Telecom ADM. Offices Employees Union - Applicent
versus
Union of India and others

A-26 (24)

ANNEXURE NO.5

1- Copy of Communication No. 29/1/90-PAP dated 18th Sept., 1990
From Shri M.L.Bhaskar A.D.G.(E) Department of Posts New Delhi
Addressed to All Heads of Postal Circles and others.

Sub:- Productivity Linked Bonus for the accounting
year 1989-90.

A reference is invited to this office letter No. 37-1/79/PAP dated 17-3-1980 relating to payment of Productivity Linked Bonus to Posts and Telegraphs employees. It has been decided that the staff of the Department of Posts covered by the Productivity Linked Bonus Scheme, shall be paid 34 days (Thirty Four days) emoluments in cash as Productivity linked bonus for the accounting year 1989-90. The ED employees and casual labourers of the Department will be eligible for ex-gratia payment as per para 5 and 6 of this letter. No payment is admissible to RTP and Part-time workers.

2- As in the past the productivity Linked Bonus for the accounting year 1989-90 will be admissible to those drawing actual emoluments upto and including Rs.2500/- per month whether drawn in pre-revised scale or in the revised scales. The maximum amount of bonus payable will be restricted to the amount admissible to those drawing emoluments of Rs.1600/- p.m. for the employees drawing monthly emoluments of more than Rs.1600/- p.m. but not exceeding Rs.2500/- p.m. the bonus will be calculated as if the emoluments were Rs.1600/- p.m.

3- The quantum of bonus as admissible under these orders will be calculated on the average emoluments during year 1989-90. The term emoluments will comprise pay (including personnel pay, special pay and deputation pay) and dearness allowance 30% of basic pay granted as training allowance to faculty members in training Institution and interim relief but will not include other allowances such as HRA/CCA, Remote Locality Allowance, Children Education Allowance etc. For the purpose of these orders the average emoluments will be the total emoluments for the accounting year 1989-90 (01-03-1989 to 28-02-1990) divided by 12. The bonus will thereafter be calculated as under:-

4- Average emoluments X 34

No bonus will be payable when the rate of emoluments exceed Rs.2500/- p.m. If it exceeds Rs.2500/- during any period/periods during the year the admissible amount of bonus will be calculated as per formula given below:-

Total emoluments for the period during which the rate of emoluments did not exceed Rs.2500/- per month limited to Rs.1600/- per month.

X 34

30.4

PD 28/1/90

5- Average emoluments X 34

30.4

Contd... 2/-

(A27)

15

(25)

.. 2 ..

5-(i) Extra Departmental Employees will be eligible for an ex-gratia payment calculated for 34 days based on their actual monthly emoluments. For this purpose ED employees who were on duty throughout the year 1989-90 their actual average monthly emoluments will be calculated taking into account the basic allowance plus corresponding Dearness Allowance drawn by them during the period 01-03-1989 to 28-02-1990 by applying the procedure prescribed in para 3 above. It may also be added that for the purpose of calculating average emoluments while the period for which substitutes, if any was employed during the absence of the ED employees will be taken into account but the emoluments drawn by the substitute will be excluded.

5-(ii) If an Extra-Departmental employees had been on duty for a part of the year by way of either a fresh appointment or being put off duty or left service, he will be paid ex-gratia calculated by applying the procedure prescribed in para 9 of this letter.

5-(iii) In respect of those extra-departmental employees who were appointed in short term vacancies in Postmen/ Group 'D' cadre the clarificatory order issued vide Directorate letter No. 26/3/39/PAP dated 06-02-1990 will apply.

6- Casual Labourers who worked at least for 240 days for each year for three years or more as on 31-3-1990 are eligible for ad-hoc payment. The amount will be paid on notional monthly wage of Rs. 300/- irrespective of actual monthly wage. The amount of ad-hoc payment will be calculated at the rate of 91-9 paise per day for the days for which the services for the casual employees had been utilised during the accounting year 1989-90.

7- The amount of bonus/exgratia payment payable under these orders will be rounded off to the nearest rupee.

8- In respect of those employees who were under suspension and dismissed the clarificatory orders issued in item 1 & 3 respectively of office order No. 26-8/80/PAP (Pt.I) dated 11-06-81 and 26-4-87/PAP (Pt.II) dated 08-02-88 will apply.

9- Those employees who have resigned/retired/left the service or proceeded on deputation within the Department of Posts or those who have proceeded on deputation outside the Department of Posts and those employees who have joined the Department of Posts on or after 01-04-1989 will also be entitled to the bonus. In case of all such employees the amount of bonus will be calculated on the basis of average monthly emoluments calculated by dividing total emoluments, as mentioned in para 3 above drawn in the Department of Posts during 1989-90 by 12 and then applying the formula given in para 3 above i.e. the proportionate amount of bonus is to be paid in all such cases.

Contd...3/-

(16)

(A28)

(26)

- 3 -

10- The payment of PLB as well as the ex-gratia payment and ad-hoc payment will be chargeable to the Head 'Salaries' under the relevant sub-head of account to which pay and allowances of the staff are debited. The payment will be met from the sanctioned grant for the year 1990-91. After payment the total expenditure incurred and the number of employees paid may be ascertained from all the units and consolidated figures intimated to the Budget Section of the Department of Posts. The Budget Section will furnish a consolidated information as regards to the amount of Bonus paid and the number of employees (Categorywise) in respect of the Department as a whole to the FAP Section.

11- This is in continuation of this office XXP/Massage dated 17-05-1990.

12- This issues with the concurrence of Finance Advice vide their Dy. No. 3143/PA/90 dated 17-9-90.

13- Receipt of this letter may be acknowledged.

14- Hindi version will follow.

NO. EST. A/R-88/1/BONUS Dated at Lucknow, the 24 Sept., 1990.

Copy forwarded for information guidance and necessary action to:-

- 1- All P.M.G's in U.P. Circle.
- 2- The D.P.A. Aminabad Lucknow.
- 3- All SSPOs/SPOs/SSRMs/SRMs/PMs in U.P. Circle.
- 4- All Supdt. PSDs/CSDs/PSFs Aligarh.
- 5- All M.O. I/C F&T Disp. in U.P. Circle.
- 6- All Circle Secretary in U.P. Circle.
- 7- The Manager M.M.S. Kampur.
- 8- The 'XEN' Postal Civil Dn. Lucknow/Allahabad.
- 9- All Officers/ASPO's/IT's/JAO PLI in U.P. Circle.
- 10- All Section Supervisor in C.O. LW.
- 11- The Office Supdt./Dy. Office Supdt. I, II & III in C.O. LW.
- 12- All AO's (-SB) in U.P. Circle.
- 13- 20. Spare Copies.
- 14- SURENDRA

(K.C.SRIVASTAVA)
FOR CHIEF POSTMASTER GENERAL, U.P.

SURENDRA

24-9-90
21-11-1990

Before the Central Administrative Tribunal Lucknow
Application No. of 1988
Bhartiya Telecom ADM. Offices Employees Union - APPLICANT
versus
Union of India and others. OPP. PARTIES
61/C/17 (21)

ANNEXURE No. 6

Copy of letter No. 31-8/90-PAT dated 17th Sept. 1990 from ADG(STP),
D.O. Telecom, New Delhi to CGMT, UP, Circle, Lucknow.

Sub:- Productivity Linked Bonus for the accounting year
1989-90.

Sir,

Please refer to this office letter No. 37-1/79-PAT dated
17.3.80 and also the orders issued subsequently regarding payment
of Productivity Linked Bonus to the employees of composite P&T
Department. The Government have decided to make payment of Product-
ivity Linked Bonus to the employees in the Department of Telecom.
for 47 (forty seven) days for the performance achieved in the year
1989-90.

2. The Productivity Linked Bonus for the accounting year 1989-90
will be computed on the basis of actual emoluments upto and including
Rs. 1600/- (Rupees One Thousand Six Hundred Only) per month. The
employees drawing emoluments upto Rs. 2500/- per month will be eligible
to Productivity Linked Bonus at the rate admissible to those drawing
emoluments not exceeding Rs. 1600/- per month.

3. The quantum of bonus admissible under these orders will be
calculated on the average emoluments for the year 1989-90 i.e.
March '89 paid in April 89 to February 90 paid in February '90. The
term "emoluments" occurring in these orders include Basic Pay, Personal
Pay, Special Pay, Special Allowance, Deputation(Duty) Allowance,
Training Allowance being paid to faculty members of Training instit-
utions and Dearness Allowance and Interim Relief in the case of
employees who have not yet opted to come over to the revised scales
of pay under the CCS(EP) Rules 1986 but will not include other
allowances, such as House Rent Allowance, Compensatory (City) Allow-
ance, Special Compensatory(Remote- locality) Allowance, Bad Climate
Allowances, Children Education Allowance, Project Allowance etc.
For the purpose of these orders average emoluments for one day will
be the total emoluments for 1989-90 divided by 365 days. The Bonus
will therefore, be calculated as under:-

Average emoluments X 47 Days

4. No bonus shall be payable to an employee from the on which
the rate of his emoluments exceeds Rs. 2500/- per month, if it exceeds
Rs. 2500/- in any period/periods during the year, the eligible amount
of bonus will be calculated as per formula given below:

Total emoluments for the period during which the rate
of emoluments did not exceed Rs. 2500/- per month subject
to a ceiling of Rs. 1600/- per month X 47 days.

5. In respect of casual labourers who have worked for at least
240 days for each year for three years or more as on 31.3.90 the
ex-gratia payment has to be worked out on the assumed wages of
Rs. 300/- per month. No payment will be admissible to part-time
employees and RPP Staff.

6. Employees of the MTNL & VSNL are also eligible for ex-gratia
payment on the same terms and conditions applicable to the employees
of DOT. Suitable orders to that effect have been issued by DOT
Memo No. 3-1/87-QTB dated 27.7.88.

DA 21/9/90

