

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 29 SEP 1988

APPLICATION NO.

1107

/88(F)

W.P. NO.

Applicant(s)

Shri Jagadish K.C.

To

Respondent(s)

V/s

The General Manager, Telecom, Karnataka Circle,
Bangalore & another

1. Shri Jagadish K.C.
No. 34, 7th Main, 8th Cross
Malleswaram
Bangalore - 560 003
2. The General Manager
Telecom
Karnataka Circle
Maruthi Complex
Opp : Tribhuvan Theatre
Gandhinagar
Bangalore - 560 009
3. The Director General
Telecommunications
Sanchar Bhavan
Ashoka Road
New Delhi - 110 001
4. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAX~~/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 23-9-88.

DEPUTY REGISTRAR
(JUDICIAL)

Encl : As above

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE 23RD DAY OF SEPTEMBER, 1988

PRESENT: HON'BLE SHRI JUSTICE K.S. PUTTASWAMY ... VICE-CHAIRMAN
HON'BLE SHRI P. SRINIVASAN ... MEMBER (A)

APPLICATION NO. 1107/88

JAGADISH K.C.
Lower Division Clerk(TA),
O/o The Accounts Officer,
Telecom Accounts,
Karnataka Circle,
Bangalore -560 009.

APPLICANT

1. The Union Government of India,
represented by
The General Manager Telecom.,
Karnataka Circle,
Bangalore-9.
2. The Director General Telecom.,
Department of Telecommunication,
New Delhi -110 001

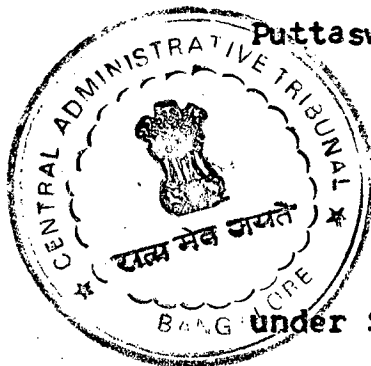
RESPONDENTS

(Sri M. Vasudeva Rao.....Advocate)

This application having come up for hearing
before this Tribunal to-day, Hon'ble Shri Justice K.S.
Puttaswamy, Vice-Chairman, made the following :

O R D E R

This is an application made by the applicant
under Section 19 of the Administrative Tribunals Act,
1985 (Act).



2. Shri K.C. Jagadish, the applicant before us, is working as a Lower Division Clerk (LDC) in the Department of Telecommunication.

3. For the financial year 1986-87, Government sanctioned productivity linked bonus (bonus) to the employees of the Department for 42 days. On the payment of the same, Government in the Ministry of Communication, on 23.9.1987 (Annexure-A) issued guidelines inter alia stipulating the deduction of one day's bonus payable to the employees towards Prime Minister's National Relief Fund (Fund). In conformity with the same, the applicant was offered 41 days bonus which he declined to receive on the ground that there cannot be any such deduction in any event without his agreement for the same. On the authority not acceding to the same, the applicant has approached us for appropriate directions.

4. In their reply, the respondents have asserted that Government in its guidelines had provided for deduction of one day's bonus as the same had been agreed to by the Joint Consultative Machinery (JCM) and the Unions and is therefore authorised.

5. Shri Jagadish contends that the deduction of one day's bonus to the Fund was unauthorised and illegal and prays that the respondents be directed to make payment of the

whole amount of bonus with interest thereon at 12%.

6. Shri Vasudeva Rao, learned counsel appearing for the respondents sought to support the impugned action of the respondents.

7. The guidelines stipulate the payment of bonus for the year and the deduction of one day's bonus towards the fund.

8. Any deduction to be made from salaries and all other amounts like bonus due to any employee of Government, can only be done with the authority of law or the voluntary agreement of the employee and not otherwise. The JCM and Unions cannot bind all employees. Their agreement however laudable is not the agreement of all the employees.

9. The guidelines themselves do not refer to any law authorising the deduction. Shri Rao also has not shown us any law authorising the deduction of one day's bonus towards the fund.

10. The applicant had not agreed for the deduction. If that is so, then there cannot be any deduction at all.

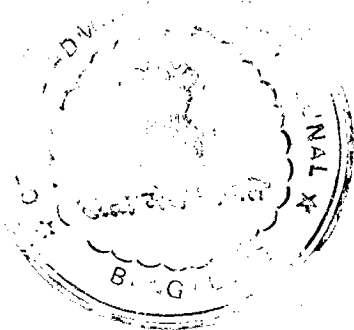
11. We have pointed out that deductions from bonus cannot be made without the consent of the concerned employee. We do hope and trust that the respondents will take this as a general enunciation and regulate matters accordingly, without however undoing what has already been done except in the case of the applicant which will be regulated in terms of our order.



12. In the light of our above discussion,
we make the following orders and directions:-

- (a) We declare that from out of the productivity linked bonus payable to an employee of the department for the financial year 1986-87, there cannot be any deduction towards the Prime Minister's National Relief Fund unless the same is voluntarily agreed to by the concerned employee and the directions issued to the contrary in guide lines dated 23.9.1982 issued by the Government in the Ministry of Communication shall not be enforced without such agreement.
- (b) We direct the Respondents to make payment of 42 days bonus due to the applicant for the financial year 1986-87 with expedition, and in any event within a period of 60 days from the date of receipt of this order.

13. Application is allowed. But in the circumstances of the case we direct the parties to bear their own costs.



Sd/-
(K.S. PUTTASWAMY)
VICE-CHAIRMAN

Sd/-
(P. SRINIVASAN)
MEMBER (A)

TRUE COPY

[Handwritten signature]
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated : 4 OCT 1988

To

1. Shri Sanjeev Malhotra
All India Law Journal
Hakikat Nagar, Mal Road
New Delhi - 110 009
2. Administrative Tribunal Reporter
Post Box No. 1518
Delhi - 110 006
3. The Editor
Administrative Tribunal Cases
C/o Eastern Book Co.
34, Lal Bagh
Lucknow - 226 001
4. The Editor
Administrative Tribunal Law Times
5335, Jawahar Nagar
(Kolhapur Road)
Delhi - 110 007
5. M/s All India Reporter
Congressnagar
Nagpur

Sir,

I am directed to forward herewith a copy of the under mentioned order passed by a Bench of this Tribunal comprising of Hon'ble Mr. Justice K.S. Puttaswamy Vice-Chairman/~~Member~~(A) and Hon'ble Mr. P. Srinivasan Member (A) with a request for publication of the order in the journals.

Order dated 23-9-88 passed in A.Nos 1107/88(F)

Yours faithfully,

[Signature]
for (B.V. VENKATA REDDY)
DEPUTY REGISTRAR(J)

opc

*4. Issued
K. M. [Signature]
4-10-88*

Copy with enclosures forwarded for information to:

1. The Registrar, Central Administrative Tribunal, Principal Bench, Faridkot House, Copernicus Marg, New Delhi - 110 001.
2. The Registrar, Central Administrative Tribunal, Tamil Nadu Text Book Society Building, D.P.I. Compounds, Nungambakkam, Madras - 600 006.
3. The Registrar, Central Administrative Tribunal, C.G.O. Complex, 234/4, A.J.C. Bose Road, Nizam Palace, Calcutta - 700 020.
4. The Registrar, Central Administrative Tribunal, CGO Complex (CBD), 1st Floor, Near Konkon Bhavan, New Bombay - 400 614.
5. The Registrar, Central Administrative Tribunal, 23-A, Post Bag No. 013, Thorn Hill Road, Allahabad - 211 001.
6. The Registrar, Central Administrative Tribunal, S.C.O. 102/103, Sector 34-A, Chandigarh.
7. The Registrar, Central Administrative Tribunal, Rajgarh Road, Off Shillong Road, Guwahati - 781 005.
8. The Registrar, Central Administrative Tribunal, Kandamkulathil Towers, 5th & 6th Floors, Opp. Maharaja College, M.G. Road, Ernakulam, Cochin - 682 001.
9. The Registrar, Central Administrative Tribunal, CARAVS Complex, 15 Civil Lines, Jabalpur (MP).
10. The Registrar, Central Administrative Tribunal, 88-A B.M. Enterprises, Shri Krishna Nagar, Patna - 1 (Bihar).
11. The Registrar, Central Administrative Tribunal, C/o Rajasthan High Court, Jodhpur (Rajasthan).
12. The Registrar, Central Administrative Tribunal, New Insurance Building Complex, 6th Floor, Tilak Road, Hyderabad.
13. The Registrar, Central Administrative Tribunal, Navrangpura, Near Sardar Patel Colony, Umanapura, Ahmedabad (Gujarat).
14. The Registrar, Central Administrative Tribunal, Dolamundai, Cuttak - 753 001 (Orissa).

Copy with enclosures also to :

1. Court Officer (Court I)
2. Court Officer (Court II)

for (B.V. VENKATA REDDY)
DEPUTY REGISTRAR (J)

Issued
K. m. m.
4-10-88

g/c

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

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2. The Director General Telecom.,
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New Delhi -15

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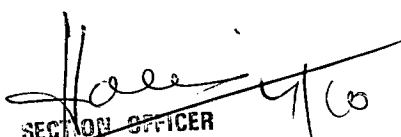
- (a) We declare that from out of the productivity linked bonus payable to an employee of the department for the financial year 1986-87, there cannot be any deduction towards the Prime Minister's National Relief Fund unless the same is voluntarily agreed to by the concerned employee and the directions issued to the contrary in guide lines dated 23.9.1982 issued by the Government in the Ministry of Communication shall not be enforced without such agreement.
- (b) We direct the Respondents to make payment of 42 days bonus due to the applicant for the financial year 1986-87 with expedition and in any event within a period of 42 days from the date of receipt of this order.

13. Application is allowed. But in the circumstances of the case we direct the parties to bear their own costs.

Sd/-
(K.S. PUTTASWAMY)
VICE-CHAIRMAN

Sd/-
(P. SRINIVASAN)
MEMBER (A)

TRUE COPY


SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE