

(86)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 969/91

Date of Decision : 24-2-93

T.A.No.

All India P&T Civil Wing, N.G.O's Union,

Andhra Circle, Hyd. and 3 others.

Petitioner.

Mr. B. Narasimha Sarma

Advocate for the
petitioner (s)

Versus

Director General, Dept. of Telecommunications,

New Delhi and 3 others.

Respondent.

Mr. N. V. Ramana

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

THE HON'BLE MR.

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 Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

(HTCSR)

M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.969/91

Date of decision: 24-2-93

BETWEEN:

1. All India P&T Civil Wing Non- Gazetted Employees Union, Andhra Circle, Hyderabad rep. by its Circle Secretary S.A.Raheem S/o Kareem aged about 38 years., plot Nos. 63&64, Behind Chintalakunta Check Post, L.B.Nagar, Hyderabad.

2. B.Venkaiah

3. S.Narasimha Reddy

4. A.Sree Ramulu.

.. Applicants.

A N D

1. Director General, Dept. of Telecommunications, 20, Ashoka Road, Sanchar Bhavan, New Delhi.

2. Chief Engineer (Civil) Postal, Dept. of Posts, so, Ashoka Road, New Delhi.

3. Superintendent Engineer (Telecom) Civil Circle, Chikkadapally, Hyderabad.

4. Executive Engineer, Postal Civil Division, Endowment Bldg. Tilak Roak, Hyderabad.

.. Respondents.

Counsel for the Applicant

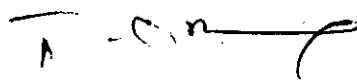
.. Mr.B.NarasimhaSa-

Counsel for the Respondents

.. Mr. N.V.Ramana

CORAM :

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)



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Judgement of the Single Member Bench delivered by Hon'ble Shri T.Chandrasekhara Reddy, Member(Judl.).

The applicants herein are challenging the validity and legality of the impugned proceedings No.4-29/87-CWP, dt. 29.8.1991 issued by the respondents for recovery of the bonus paid in excess to the postal staff over the bonus rates as applicable to the Telecom department for the year 1986-87 and onwards.

The facts giving rise to this O.A. in brief are as follows:-

2. The first applicant is the All India P&T Civil Wing Non Gazetted Employees Union which is a registered Trade Union with its affiliation to National Confederation of Central Government employees and workers. The applicants 2 to 4 are the employees of Postal Civil Wing working in Andhra Circle, Hyderabad. There was bifurcation of Postal and Telecommunication department in the month of June 1985. After the said bifurcation in the year 1985 the applicants herein though working in the Postal Civil Division were performing the combined work of Telecom as well as Postal Department. The applicants who are working in the Postal Civil Division were paid bonus for the year 1986-87 onwards at the Telecom rates, which is higher than the rates paid to the Postal Civil Staff. But as the applicants belong to the Postal Civil Staff, the impugned memo dt. 29.8.1991 was issued by the second respondent calling upon the applicants, that the bonus paid in ~~the~~ excess to the applicants over the bonus rates as applicable to the department of Postal Civil Staff for the years 1986-87^{and} onwards was liable to be recovered in instalments. Aggrieved by the impugned memo dt. 29.8.1991 issued by the second respondent, the present O.A. is filed by the applicant under Section 19 of the Administrative

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5. As a matter of fact the Ministry of Communications and Department of Telecommunications, New Delhi in their proceedings No.6-16/86-CSE(337) dt. 16.1.1987 addressed to All Superintending Engineers (Civil), Department of Telecom, Hyderabad, had informed that it had been decided that the bonus would be paid to the employees in relation to the Department for which work is carried out by them and in other words, if an employee had 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 and before the bifurcation of the work, of the erstwhile P&T Department the employees who were performing the combined work of Telecommunications and Postal Department i.e. intermitantly the work of both the departments would continue to be paid at the higher rate admissible to the employees of Telecom Department. The Dy. General Manager (Telecom), Telecom Civil Circle, Hyderabad addressed to the General Manager (D), Telecommunications, A.P., Hyderabad in his letter dt.4.10.89 had recommended that it would be very much appropriate that the Civil Wing Staff working in the Postal Civil Division and other sub-divisions in A.P. are paid the Bonus at Telecom rates and not at postal rates. We are not concerned about the said recommendations of the Dy. General Manager. It is up to the department to take a decision whether the Civil Staff have got to be paid bonus at the same rates as Telecom employees are paid. But here we are confronted with a question where the Postal Civil Division Staff are also entrusted with the work of Telecommunications staff and discharge ^e a combined duty of both the Postal Civil Department and Telecom Wing. As already pointed out so long as the department wants that the applicant should discharge the ^e combined duties of Postal Civil Wing and Telecom Department. It would be just and equitable for the respondents to pay

(39)

Tribunals Act for the relief; to declare the said memo dt. 29.8.1991 issued by the second respondent is illegal and arbitrary and direct the respondents to provide all attendant benefits to the employees of the Postal Civil Division.

3. Counter is filed by the respondents opposing this O.A. It is maintained in the counter of the respondents after bifurcation, the present Postal Civil Division is executing the construction works exclusively of Postal Department besides maintenance. The maintenance work of only P&T combined staff quarters at Chikkadapally, Sapper's lines and PMG quarters are attached to Postal Civil Division. The quantum of maintenance work pertaining to Telecom side is very insignificant and according to the respondents such trivial work does not attract the provisions of eligibility of payment of Telecom bonus to all staff in Postal Civil Division, Hyderabad who are the applicants herein. || It is not in dispute that the Superintending Engineer, Telecom is the Co-ordinating Officer for the purpose of appointment and transfer of staff of Postal Civil Division, Hyderabad.

4. So, it can be seen from the counter of the respondents, the fact that the applicants herein are performing the combined work of Telecom and Postal Civil Division from the time of the bifurcation. The work the applicants who belong to Postal Civil Division that perform with regard to the department of Telecom, at sometimes might be less and at some times might be heavy. So, as the applicants are performing the work of Telecom and also besides the work of Postal Civil Division, we see no reason why the applicants should not be paid bonus at the same rates as Telecom employees have been paid.

T. C. S. F.

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bonus to the applicants at the same rate as the Telecom employees are paid.

6. In the result we set aside the impugned order dt. 29.8.1991 ordering recovery of bonus paid in excess to the Postal Staff over the bonus rates of Department of Telecom for the year 1986-87 and onwards and direct the respondents to pay to the applicants bonus at the same rates as is being paid to the employees of Telecom department as long as the applicants are asked to discharge the combined duties of Postal Civil Division as well as Telecom Department. By orders of this Tribunal dt. 14.10.1991 this Tribunal had stayed the recovery of the bonus said to have been paid in excess. The said stay orders dt. 14.10.91 are made absolute. The O.A. is allowed accordingly, leaving the parties to bear their own costs.

T. Chandrasekhara Reddy
(T.CHANDRASEKHARA REDDY)
Member (Judl.).

Dated: 24 February, 1993

8/3/93
Deputy Registrar

To

1. The Director General, Dept. of Telecommunications,
20, Asoka Road, Sanchar Bhavan, New Delhi.
2. The Chief Engineer (Civil) Postal, Dept. of Posts,
20, Ashoka Road, New Delhi.
3. The Superintendent Engineer (Telecom) Civil Circle,
Chikkadapally, Hyderabad.
4. The Executive Engineer, Postal Civil Division,
Endowment Building, Tilak Road, Hyderabad.
5. One copy to Mr. B. Narasimha Sarma, Advocate, 3-6-779, Himayatnagar,
6. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.

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23/1
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COMPAREL BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V. NEELADRI RAO :V.C.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN :M(A)

AND

THE HON'BLE MR. CHANDRA SEKHAR REDDY :MEMBER(J)

AND

THE HON'BLE MR.

DATE: 26-2-1993

~~ORDER~~/JUDGMENT:

R.P./C.P/M.A. No.

in

A.A.No. 969/91

T.A.No.

(W.P.No.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

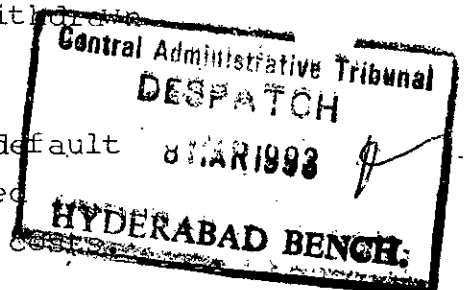
Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs



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