

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 968/93.

Dt. of Decision : 15.6.94.

Mr. R. Sudhakar

.. Applicant

vs

1. The Superintendent of Post offices,
Anantapur Division,
Krishna Devaraya Sedan,
Anantapur - 1.

2. The Postmaster-General - A.P.,
Southern Region, Ashok Nagar,
Kurnool - 5.

3. The Director General,
Department of Posts,
Dak Bhavan, Sansad Marg,
New Delhi - 1.

.. Respondents.

Counsel for the Applicant : Mr. Krishna Devan

Counsel for the Respondents : Mr. N.R. Devaraj, Sr.CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V.NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

JUDGMENT

I as per Hon'ble Sri R.Rangarajan, Member(Administrative) . X

Heard Sri Krishna Devan, learned counsel for the applicant and Sri N.R.Devaraj, learned Standing Counsel for Respondents.

2. In this application dt. 16.8.1993 filed under sec.19 of the Administrative Tribunals Act, 1985, the applicant who is a (Short Duty Clerk) S.D.C. Reserved Trained Pool, Postal Assistant of Collectorate P.O., Anantapur Town prayed for a declaration that he is entitled for the grant of productivity linked bonus applicable to the regular postal Assistant between the period 29.5.1982 to 13.7.1988 and for a further direction to pay the arrears of bonus to which the applicant is eligible within 3 months from the date of receipt of this order.

3. The applicant herein joined as (S.D.C.) R.T.P.P.A. on 29.5.1982 and ~~he served in the~~
He states that he was selected after a tough competition and has performed quantitatively and qualitatively the same work as that of regular Postal Assistants whenever he was engaged intermittently against vacancies of regular Postal Assistants. By denying him the benefit of productivity linked bonus during the period 1982 to 1988 when he worked as R.T.P., P.A. allowed by the D.G., Department of Posts dt. 5.10.1988, he has been subjected to hostile discrimination in violation of Articles 14 & 16 of the Constitution. Hence, this O.A. has been filed with the above prayer.

4. Sri Krishna Devan, learned Counsel for the applicant has drawn our attention to a Judgment of the Ernakulam Bench

Copy to:-

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2. The Postmaster- General, A.P.Southern Region, Ashok Nagar, Kurnool-5.
3. The Director General, Department of Posts, Dak Bhavan, Sansad Marg, New Delhi-1.
4. One Copy to Mr.Krishna Devan, Door.No.2-2-1107/172/3, Tilaknagar, New Nallakunta, Hyderabad-44.
5. One Copy to Mr.N.R.Devaraj,Sr.Standing Counsel,C.A.T.Hyderabad.
6. One Copy to Library
7. One Spare copy.

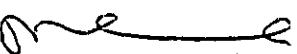
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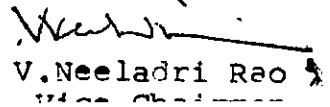
in O.A.No.171/89 dt. 18.6.1990. The applicants therein were also similarly situated as the applicant herein. The O.A.No.171/89 on the file of Ernakulam Bench was decided based on the decision in O.A.No.612/89 on the file of the same Bench. The ratio in that judgment was that no distinction can be made between an R.T.P. Worker and a Casual Labourer in granting productivity linked bonus. It was further held in that O.A. that R.T.P. candidates like casual labourers are entitled to Productivity Linked bonus if they have put in 240 days of service each year ending 31st March for 3 years or more. It was further held in that O.A. that 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 prescribed from time to time.

5. Similar order was also passed by this Tribunal dt. 28.4.1994 in O.A.No.458/94 where the applicants were similarly placed to that of the applicants in O.A.No.171/89. As the applicant herein is in the same situation as applicants in O.A.No.171/89 decided by the Ernakulam Bench and in O.A.No. 458/94 of this Bench, we see no reason in not extending the same benefit to the applicant in this O.A. also.

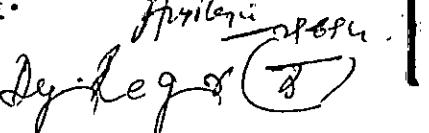
6. In the result this application is allowed with a direction to the respondents to grant to the applicant the same benefit as granted by the Ernakulam Bench and this Bench of the Tribunal in the aforesated cases. The above direction should be complied within a period of 3 months from the date of communication of this order.

7. The O.A. is ordered accordingly. No costs.


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Member (Admn.)

Dated 15th June, 1994.


Jayadev (S)

Coatd-H

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR. JUSTICE

AND
THE HON'BLE MR. A. B. G. RTHI

AND
THE HON'BLE MR. T. CHANDRASEKHA
MEMBER(S)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER

Dated: N-8-
-1994.

ORDER/JUDGMENT:

M.L./R.A/C... No.

in

O.A. No. 968/93

T.A. No. W.P.

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions
Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

DR
23/6/94

