

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O. A. 1343/93.

Dt. of Decision : 4.7.94.

1. National Federation of Telecom Employees Union, Civil Wing, Hyderabad rep. by its Secretary
2. M. Narayana Singh

.. Applicants.

VS

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

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

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

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

.. Respondents.

Counsel for the Applicants : Mr. J.M. Naidu

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

CORAM:

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

DA 1343/93.

Dt. of Order: 4-7-94.

(AS PER HON'BLE SHRI R.RANGARAJAN, MEMBER (A)).

* * *

The applicants herein are Members of the National Federation of Telecom Employees Union, Civil Wing. They have filed this O.A. for a declaration that the issue of proceedings vide letter No.4-29/87-CWP dt.21-4-93 (Annexure-3) issued by the 2nd Respondent to pay the Productivity Linked Bonus at Postal rates to all staff working in Civil Wing is illegal, arbitrary and violative of Article 14 and 16 of the constitution of India besides violative of judgment delivered in DA 969/91 dt.24-2-93 and for a consequential direction to the Respondents to pay the Productivity Linked Bonus as per Telecom Department rates by declaring that the members of the applicant's union belong to Telecom Department only.

2. The first applicant is All India Posts & Telegraphs Civil Wings Non-gazetted Employees Union, which is registered trade union with its affiliation to National Confederation of Central Government Employees and Workers. The applicant No.2 and 3 are employees of the ~~Civil~~ Wing working in Group-D service. There was bifurcation of Postal and Telecommunications Department in June, 1985. After the bifurcation the applicants ~~were~~ working in the Civil

Wing ~~is~~ performing the combined work of Telecom and Postal Department. The applicants who are working in the Civil Wing of the P & T Department were paid bonus at the rate applicable to the employees of the Telecom Wing right from 1985 onwards. It is admitted by the learned counsel for the applicants that even for the year 1993 they were paid at the rate applicable to Telecom Wing in the month of November, 1993. The impugned letter No.429/87-CWP dt.21-4-93 was issued earlier to the payment of bonus for the year 1993. This O.A. is filed assailing the above said letter.

3. After issue of the impugned letter dt.21-4-93 the applicants were paid bonus at the rate applicable to Telecom Wing in the month of November, 1993. Hence the letter dt.21-4-93 does not survive. The applicants have the apprehension that recovery of excess bonus paid to them at the rate applicable to the Telecom Wing instead of rate applicable to the Postal Wing will be recovered from them. However as seen from the impugned letter dt.21-4-93 that ~~no direction has been taken in regard to the above apprehension.~~ *He prays for* ~~no direction has been taken in regard to the above apprehension.~~ Hence direction not to recover the excess bonus paid to them is also premature.

4. It is submitted by the learned counsel for the applicant that the applicants ~~has~~ ^{have} given an option to remain

in Telecom Wing, which is under consideration.

5. As the bonus is so far paid till last year at the rate applicable to Telecom Wing and no decision has been taken in regard to the recovery of excess bonus paid to them and the applicants request for staying with Telecom is under consideration I do not see any need to give any direction in this case. Hence the O.A. is disposed of as premature. No order as to costs.

*at this
juncture.*

(R.RANGARAJAN)
Member (A)

Dt. 1st July, 1994. 8/24/94
Dictated in Open Court. Deputy Registrar (J) CC

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To

1. The Director General Dept.of Telecommunications,
20 Ashoka 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, Chikkadpally, Hyderabad.
4. The Executive Engineer, Postal Civil Division,
Endowment Building, Tilak Road, Hyderabad.
5. One copy to Mr.J.M.Naidu, Advocate, CAT.Hyd.
6. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. KELADEVI AND

VICE-CHIEF JUSTICE

and

THE HON'BLE MR. R. K. KANGARAJA : M(A.M.W)

DATED 4-7-1994

~~REB/ JUG/ LHM/P~~

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

in
C.A.No. 1343/93

~~Admitted and Interim Directions
issued.~~

~~allowed.~~

Disposed of

Dismissed.

No order as to costs.

pvm

