

ANNEXURE - I

List of papers in Original Application No.

1575/93.

Sl. No. of Papers	Date of Papers or Date of filing	Description of Papers.
	2-11-94	Original Judgement
	14-12-93	O.A & Material Papers
	16-9-94	Counter
		Reply Counter.

PART - I , PART - II, PART - III
Destroyed.

18/8/99

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

OA.NO. 1575 / 1993

a) Applicant (s) Smt. K. Janaki and others

Versus

b) Respondent (s) The Registrar C.A.T. Hld on 2 others

Sl.No	Description of Documents	Page No.
I	Original Application Order Sheet	182
		3 to 10
	Material Papers	11 to 17
	Order dated.	
	Counter Affidavit.	18 to 25
	Reply Affidavit.	
	Order Dated. 2-11-94.	26 to 30
II		
	Duplicated Order Sheet.	
	" Application	
	" Material Papers.	
	" Order dt.	
	" Counter Affidavit.	
	" Reply Affidavit.	
	" Order dt.	
III		
	Vakalat ✓	
	Notice Papers. ✓	
	Memo of Appearance.	

28/11/94

OA 1575/93

Date	Office Note	Orders
------	-------------	--------

2/11/94

OA in dismit
no order as to
the orders on 8/

30-6

§
HABG
91(A)

11/8/

16/9/94

19.9.94

26.9.94

27.9.94
M K Venk
M N D

①

001575/93

Office Note Orders

Adjourned to 2.8.94.
Reply in the meantime

HABG
9(A)

Heard both sides. At
the request of the learned counsel
for the respondents 4 weeks time
is given to file counter as a
last and final chance. List it
for final hearing on 19.9.94

HAVHD
9(J)

Counter filed by
Mr. MR DAVANOS,
Sr. Counsel on 16/9/94.

Adjourned to 20/9/94.

HABG
MCA)

HAVHD
MCT)

Adjourned to 27-9-94.

HABG
MCT)

HAVHD
MCT)

all Counsel had
seen

search on both sides
Searched for orders, GAO

HABG
HAVHD

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

O.A.No./~~TA~~No.....1575.....of 1993

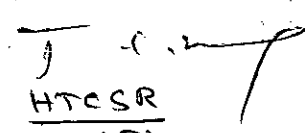
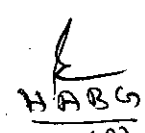
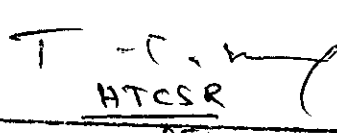
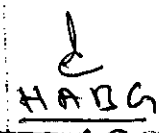
Smt. K. Janaki & 12 oth

Applicant (S)

Versus

The Registrar, CAS, Huda. & 2 oth

Respondent (S)

Date	Office Note	Orders
15-12-93		<p>Adjourned to 20-12-93.</p> <p align="center">  HTCSR MCS </p> <p align="center">  HABG M(A) </p>
20-12-93 22-12-93	<p>Notice sent to RRs 1/63 by RPAD.</p> <p>R1-Sd</p> <p>R2-Sd</p> <p>R3-Sd</p> <p>As 11/2/94</p>	<p>Heard Mr. K. Venkatesw Rao learned counsel for the applicants MA.976. Contents of prayer of permission to all the applicants to file the single O.A. As the cause of action to filed the application the same of the all the applicants M.A.976/93 allowed.</p> <p>Let the OA be given a regular number.</p> <p>Issue notice to the respondents. Let the OA for admission on 2-2-94.</p> <p align="center">  HTCSR MCS </p> <p align="center">  HABG M(A) </p>

OA 1575/93

(2)

Date

Office Note

Orders

2.2.94

Mr. K. Venkateswara Rao
is present. Notice on the
respondents is served.
none present on behalf
of the respondents. No
representation on behalf
of the respondents heard.
Mr. K. Venkateswara Rao
counsel for the applicant
~~admits~~ Admit the

OA. 8 weeks time is given
Two weeks thereafter is time
for filing rejoinder if any.
List it for final hearing.
if it is then after the
pleas are made to

HRR
MCA

20/4/94

name for the applicant

post after vacation

HABG
MCA

(23)
HABG

6.4.94 Before Dy. Regr (T)

Notice has been duly
served on the respondents
and the case shall be
deemed to be ready
for hearing under
rule 31 of CAT, Rules
of Practice, 93. 499
if to the ready Yurt. Or

Dy. Regr (T) CC

30.5.94

Post it for final hearing
on 20.6.94. Reply in the
meantime.

HABG
MCA

Re. Govt
3/2/94

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH - HYDERABAD

ORIGINAL APPLICATION NO. 1575 OF 1993.

Shri Smt. K. Janaki & 12 Ors. Applicant (s)

Versus

Registrar, C.A.T. Hyd. Bench
& 2 Ors.

Respondent (s)

This Application has been submitted to the Tribunal

by Mr. K. Venkateswar Rao Advocate under section 19 of the Administrative Tribunals Act, 1985 and same has been scrutinised with reference to the points mentioned in check list in the light of the provisions contained in the Administrative Tribunal (Procedure) Rules, 1987.

The application has been in order and may be listed for admission on -12-93

[Signature]
Scrutiny Officer.

[Signature]
Deputy Registrar (J)

13. Has the applicant exhausted all available remedies? *y*
14. Has the declaration as required by item 7 of Form I been made? *y*
15. Have required number of envelopes (file size) bearing full address of the respondents been filed? *y*
16. (a) Whether the reliefs sought for, arise out of single cause of action? *y*
(b) Whether any interim relief is prayed for? *y*
17. In case an M.A. for condonation of delay is filed, is it supported by an affidavit of the applicant? *—*
18. Whether this case can be heard by Single Bench? *y*
19. Any other point? *—*
20. Result of the scrutiny with initial of the Scrutiny Clerk. *may be*

Section Officer *11/14/2*

Deputy Registrar

REGISTRAR

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

Diary No.

Report on the scrutiny of Application

Presented by *M. K. Venkateswara Rao*

Date of Presentation.....

Applicant(s) *S. K. Jagan & 2 Ors*

Respondent(s) *Registrar, C.A.T., Hyd. Bench & 3 Ors.*

Nature of grievance *Payment of D.A.*

No. of applicants..... *13*

No. of respondents..... *4*

CLASSIFICATION

Subject..... (No.) Department..... (No.)

1. Is the application in the proper form?
(Three complete sets in paper books form in two compilations) *4*
2. Whether name, description and address of all the parties been furnished in the cause title? *4*
3. (a) Has the application been duly signed and verified? *4*
(b) Have the copies been duly signed? *4*
(c) Have sufficient number of copies of the application been filed? *4*
4. Whether all the necessary parties are impleaded *4*
5. Whether English translation of documents in a language other than English or Hindi been filed? *4*
6. Is the application in time?
(See Section 21) *4*
7. Has the Vakalatnama/Memo of appearance/authorisation been filed? *4*
8. Is the application maintainable?
(u/s 2, 14, 18 or U.R. 8 etc.) *4*
9. Is the application accompanied by IPO/DD for Rs.50/-? *4*
10. Has the impugned orders original/duly attested legible copy been filed? *4*
11. Have legible copies of the annexures duly attested been filed? *4*
12. Has the Index of documents been filed and pagination done properly? *4*

Contd.....

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

INDEX SHEET (ORIGINAL)

O.A. NO. 11575 of 1993

CAUSE TITLE K. Janaki & 12 others

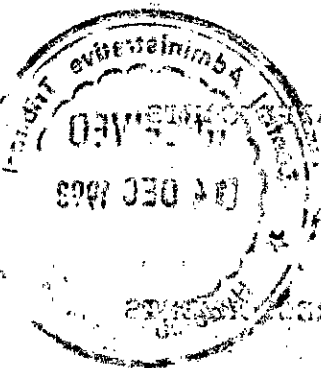
VERSUS

Registrar, CAS, Hud & 2 others

Sl.No.	Description of Documents	Page No.
1.	Original Application	1 to 6
2.	Material papers	7 to 13
3.	Vakalat	1
4.	Objection Sheet	
5.	Spare Copies 3. (None)	
6.	Covers 3. A	

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

OF 1993



Between:-

Shri. J. S. Jaisankar and others.

And

The Registrar, Central Administrative Tribunal, Hyderabad Bench, at Hyderabad and 2 others.

Page No.

Description

Date

1. 10.11.93 Shri Government granted Adhoc Bonus
2. 10.10.93 Ceiling limit enhanced to Rs. 2,500/-
3. 10.4.93 Ceiling limit enhanced to Rs. 2,500/- to 750

Counsel for the Applicants

My to declare the Applicants are entitled for ad hoc bonus of 29 days during the year 1992-93, on the basis of Rs. 3500/- as eligibility ceiling on income for payment of ad hoc bonus.

With rule can

(3)

Ad hoc bonus.

Ground

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD

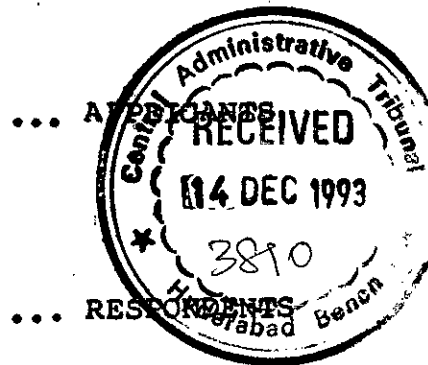
O.A.NO. 1575 OF 1993

Between:-

Smt. K. Janaki and others.

AND

The Registrar, Central Administrative Tribunal, Hyderabad Bench, at Hyderabad and 2 others.



S.No.	Date	Description	Page Nos.
1.	10.11.83	Rs Government granted Adhoc Bonus	3
2.	11.10.88	Ceiling limit enhanced to Rs.2,500/-	3
3.	13.9.93	Ceiling limit again enhanced to Rs.3,500/- to P&T	4

K. Venkateshwar
Counsel for the Applicants

Recd
15/12
A.N.R. Durg
end

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD

O.A.NO. 1575 OF 1993

I N D E X

S.No.	Description of the Documents	Pg.Nos.	A.Nos.
1.	APPLICATION	1 to 6	-
2.	F.14(6)-E(Coord)/83, dt.10.11.83.	7 & 8	1.
3.	F.14(9)-E(Coord)/88, dt. 11.10.88	9 & 10	2.
4.	No.14(3)-E(Coord)/93, dt.30.9.93.	11 & 12	3.
5.	Proposals ^{made} by the Cabinet Secretary	13	4.

Signature of the Applicant
K. R. Lakshminarayana
Counsel on application

FOR OFFICE USE ONLY:

- 1. Registration No. :
- 2. Date of Filing :

Signature of the Registrar

34

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT : HYDERABAD

O.A.NO. 1575 OF 1993

Between:-

1. Smt.K.Janaki, W/o.K.Keshava Rao, aged about 35 years, working as Lower Division Clerk in the Central Administrative Tribunal, Hyderabad Bench, Hyderabad.
2. A.Arun, S/o.A.Adinarayana, aged about 39 years, working as U.D.C. in Central Administrative Tribunal, Hyderabad Bench at Hyderabad.
3. D.V.Lokeswara Rao, S/o.Jagannadha Rao, aged about 45 years, Working as Assistant in Central Administrative Tribunal, Hyderabad Bench, Hyderabad.
4. J.Md.Zafarulla, S/o.J.Mohd.Kasim, aged about 42 years, working as UDC in the Central Administrative Tribunal, Hyderabad Bench at Hyderabad.
5. Smt.V.Girija Bai, W/o.B.Raja Mallaiah, aged about 39 years, working as UDC in the Central Administrative Tribunal, Hyderabad Bench at Hyderabad.
6. T.Narasimha Rao, S/o.Vedantha Rao, aged about 35 years, working as U.D.C. in Central Administrative Tribunal Hyderabad Bench at Hyderabad.
7. K.Ramasudhakar, S/o.Somasundaram, aged about 35 years, working as U.D.C. in the Central Administrative Tribunal, Hyderabad Bench at Hyderabad.
8. Miss.Aruna Mamidi, D/o.Sakharam, aged about 45 years, working as Assistant in the Central Administrative Tribunal at Hyderabad.
9. V.Satyanarayana, S/o.V.Chandra Sekhar Rao, aged about 38 years, working as Court Master, in the Central Administrative Tribunal, Hyderabad.
10. Mrs.A.Vijaya Laxmi, W/o.J.Mohan Reddy, aged about 27 years, working as Steno Group-D in the Central Administrative Tribunal, Hyderabad Bench, Hyderabad.
11. S.Kailasam, S/o.N.Sesha Pillai, aged about 37 years, Working as Court Master, in the Central Administrative Tribunal, Hyderabad Bench at Hyderabad.
12. P.S.R.Murty, S/o.P.V.Chainlu, aged about 39 years, working as U.D.C. in the Central Administrative Tribunal, Hyderabad Bench, Hyderabad.
13. Khaja Kaleemullah, S/o.Khaja Mohd.Sarvar, aged about 39 years, working as U.D.C. in the Central Administrative Tribunal, Hyderabad Bench at Hyderabad.

... APPLICANTS

A N D

1. The Registrar, Central Administrative Tribunal, Hyderabad Bench, at Hyderabad.
2. The Secretary to the Government of India, Ministry of Finance Department of Expenditure Central Secretariate, New Delhi.
3. Union of India, represented by the Secretary to the Government of India, Ministry of Personnel and Training Public Grievances and Pension (Department of Personnel and Training) Central Secretariate, ~~Hydr~~ New Delhi.

RESPONDENTS

DETAILS OF THE APPLICATION

1. Particulars of the Applicants : Shown as above
Address for Services : Mr. K. Venkateshwara Rao,
Advocate, 16-11-418/3/2,
Moosarambagh, Hyderabad.

2. Particulars of the Respondents: Shown as above

3. Particulars of the Order:-

Order No. & Date :

~~Bix~~ Brief

Bonus Payment

NO signed order
BONUS pay (BONUS pay)

4. JURISDICTION:- The Applicants submit that the O.A. is within the jurisdiction of the Tribunal's Act, 1985. *14 & 16 A-Act*
5. LIMITATION:- The Application is within time U/s. 21 of the Administrative Tribunal's Act, 1985.

6. FACTS OF THE CASE:-

(A) The Applicants are aggrieved by the impugned action of the respondents in fixing the different ceiling limits on income, for determining the payment of productivity linked Bonus/Adhoc Bonus to the employees working in different ~~departments, departments/organisations~~ without any rational or justification which is illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution.

(B) The Applicants submit that they are employees ~~in~~ working in their respective posts in the Central Administrative Tribunal, Hyderabad Bench at Hyderabad. The Applicants submit that they are unjustly and arbitrarily deprived of payment of Adhoc Bonus on the untenable ground that their emoluments exceeded Rs. 2,500/- P.M. which is highly unjustified. The applicants submit that all the applicants except 6, 7, 10 and 13

were deprived of adhoc bonus in its entirety, while the applicants 6,7, 10 and 13 were paid Adhoc Bonus on prorata Basis as their total emoluments did not exceed Rs.2,500/- per month during the relevant period.

2(C) It is relevant to submit that the Central Government employees after prolonged and continued struggle secured productivity linked bonus working in various commercial and production oriented sectors of the Government like Railway, Posts and Telegraphs, Defence Production units etc. It is also relevant to submit that on the demand of staff side of the National Council that the Bonus should also be given to the remaining employees of the Central Government, issued orders vide Lr.F.14(6)-E(Coord)/83, dated 10.11.1983 deciding sanction of Adhoc Bonus to the Central Government employees not covered under the scheme of productivity linked Bonus scheme as Adhoc Bonus for 15 days during the year 1982-83 pending evolution of formula for the said category of employees who were in service as on 31.3.1983 and had rendered at least six months' of continuous service during the year. The said Adhoc Bonus restricted to employees drawing upto and including Rs.1,600/- per month subject to a maximum of amount of Rs.750/- per month. The said Adhoc Bonus was paid for 18 days during the years 1983-84, 1984-85, and 1985-86. Later the adhoc Bonus was paid for 25 days for the year 1986-87. However during the year 1987-88 the Central Government employees were granting 27 days of Bonus computed on the basis of actual emoluments upto and including Rs.2,500/- per month as on 31.3.1988. But however the maximum amount was restricted to the amount ⁵⁶admission to those drawing of Rs.1,600/- per month, but not exceeding Rs.2,500/- per month in which case the Adhoc Bonus was calculated as if the emoluments were Rs.1,600/- per month. This is clear from O.M.No.F.14(9).E (Coord)/88, dt.11.10.1988. (Annexure-II 9-10). The same formula was adopted during 1987-88, 1988-89, 1989-90. Subsequently, the adhoc Bonus equivalent to 29 days emoluments for the years 1990-91, 1991-92 and 1992-93 was granted.

(D) While matters stood thus, the ceiling limit of Rs.2,500/- hitherto fixed for all Central Government employees irrespective of the department in which they are working was enhanced to Rs.3,500/- in the case of P&T and other employees covered by productivity linked Bonus scheme and the ceiling limit in respect of other Central Government employees not covered by the productivity linked Bonus

Ann P-11-12 Amendment P-13
change of ceiling limit all along in respect of Central Government employees in respect of whether they are covered by productivity linked Bonus scheme or adhoc Bonus scheme a distinction is now drawn for the first time dividing the working class on the basis of scheme by which they were governed regardless of the fact that an employee discharges the same duties and functions irrespective of the fact whether he is working in commercial and production oriented sectors or otherwise which is highly arbitrary, irrational, unjust and amounts to invidious discrimination offending Articles 14 and 16 of the Constitution. The Applicants submit that there must ^{be} some rational nexus between the basis of classifications and the object intended to be achieved in order to classify the employees. In the instant case there is absolutely no rational or justification in dividing the employees on the basis of departments for the purpose of the enhancement of ceiling on income for payment of Bonus and the said classification is nothing but irrational and amounts to colourable exercise of power which is highly unjustified. As submitted above the classification of employees on the basis of the department is wholly irrational for the reason that a similar category of employees will discharge the same duties irrespective of the department in which he is working. The Hon'ble Supreme Court had an occasion to consider a similar question where drivers of the Delhi Police force and the other drivers belonging to different departments, had held such a classification is unsound and the

classification is irrational. Randhir Singh Vs. Union of India and others 1982(1) SLR 756= AIR 1982 SD 879. That apart all the relevant facts^{at} were taken into consideration for fixing the ceiling on income for payment of Bonus during 1982-83 and uniformly fixed the ceiling limits of Rs.1,600/- was subsequently enhanced to Rs.2,500/- for the year 1987-88 onwards such being the position there is absolutely no material on record to distinguish the employees on the basis of department to department and Ministry to Ministry which is highly unjustified. Such a manner of classification of employees would offend the doctrine of equal pay for equal work as Bonus is a deferred wage and this is not expected of a model employer and also in democracy ordained by Rule of law.

7. REMEDIES EXHAUSTED:- The Applicants have no other effective alternative remedy except to approach this Hon'ble Tribunal.
8. MATTERS NOT PREVIOUSLY FILED OR PENDING:- The Applicants have not filed any other W.P./O.A. in this regard and such a case is not pending in any court or authority of law.
9. MAIN RELIEF:- It is therefore prayed that this Hon'ble Tribunal may be pleased to declare that the applicants are entitled for adhoc bonus of 29 days during the year 1992-93 on the basis of Rs.3,500/- as eligibility ceiling on income for payment of adhoc bonus by holding the action of the respondents in fixing different ceiling limits on income for payment of bonus between the central Government employees covered by productivity linked bonus and for others not covered by such scheme as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution and pass such other order or orders as this Hon'ble Tribunal may deem fit in the circumstances of the case.

G.O.I.

H.O.C.

Office of the Chief General Manager Telecom, A.P.Circle, Hyderabad-1.

No. TA/EST/1-31/Col.III

Dated at Hyderabad-1, the 19-9-1994.

To

All G.M.Telecom Areas
All G.M.Telecom Districts in A.P.Circle.
All Telecom District Managers/Engineers
All Sr.Supts./Supts.,Tele.Traffic
The Director, R.T.T.C., Secunderabad-3.
The Chief Engineer, Telecom., (Civil), Hyderabad.
The Suptg., Engineer, Telecom (Civil/Elect.), Hyderabad.

Sub:- Raising the limit of emoluments from Rs.2500/-
to Rs.3500/- for the purpose of Productivity
Linked Bonus Payment of arrears w.e.f.1986-87
to 1991-92.

.....
A copy of the Department of Telecom., New Delhi letter
No.31-5/89-PAT dated 15-9-94 on the above mentioned subject is
reproduced below for information and necessary action.

Asst. Engineer (EST)

for Chief General Manager Telecom
Andhra Pradesh, Hyderabad-1.

Copy to:

- 19.9.94
1. The G.M(Fin.)/Director(F&A), Circle Office.
 2. The D.E., Carr.VFT Instln.SWg.Instln.I, II & III, Hyderabad.
 3. The Asst. Engineer, C.T.S.D., Secunderabad-25.
 4. The Accounts Officer(I/C) Circle Office.
 5. The Accounts Officer(Fin.)

Copy of letter as referred to above:-

Sub:- As above.

.....
There have been a persistent demand from the Unions/
Federations to raise the ceiling limit of emoluments for the purpose
of Productivity Linked Bonus from Rs.2500 to Rs.3500/- in pursuance
of implementation of Principal Bench CAT New Delhi judgement dated
11-8-1991 in O.A.No.2489/1989, Deptt. of Telecom filed an S.L.P.
alongwith a request for granting stay orders before Hon'ble Supreme
Court of India. The S.L.P. had been admitted, but the stay orders
have not been granted. Deptt. filed a Miscellaneous Petition before
Principal Bench CAT New Delhi for extension of time in view of
admission of SLP in the Hon'ble Supreme Court of India, but the same
has not been granted.

Contd...2.

10

: 2 :

2. In view of the facts stated above, the proposal has been examined in consultation with the Ministry of Finance and I am directed to issue orders to raise the ceiling limit from Rs.2500/- to Rs.3500/- for the years 1986-87, 1987-88, 1988-89, 1989-90 and 1990-91 and 1991-92. The amount for the years 1986-87, 1987-88 and 1988-89 will be deposited in the G.P.F. Account of the officials, while the payment will be made in cash for the years 1989-90, 1990-91 and 1991-92. The above payment will be subject to the final outcome of SLP pending in the Supreme Court of India. The amount of bonus will be deposited in the G.P.F. Account or paid in cash to the officials in service not retiring in the next three years by taking an undertaking from them that the said amount will be recovered in case the outcome of the SLP pending in the Supreme Court goes in favour of the Deptt. In case of transfer/promotion of the officials, a suitable entry will be made in the LPC.
3. The payment to the retired officials can be made by obtaining a surety from any permanent official of equal or higher rank already in service and not going to retire in 3 years from the date of payment.
4. Alternatively, payment can also be made on production of bank guarantee valid for 3 years for an amount equal to the arrears of bonus.
5. In respect of the officials who are going to retire in the next three years, the amounts now paid will be held over from the DCRG to be released either on the outcome of the SLP pending in the Supreme Court or furnishing a surety from a permanent Government servant of equal or higher status not going to retire in 3 years from the date of payment of the bonus.
6. All other conditions including the emolument ceiling of Rs.1600/- will apply.
7. This issues with the concurrence of Telecom Finance vide their U.O.No.2855/Fa-I/94 dated 15-9-1994.

Yours faithfully,

Sd/-
(S.K. MUDGIL)
Director (TE)

KBR.

10. INTERIM RELIEF:- It is therefore prayed that this Hon'ble Tribunal may be pleased to direct the respondents to pay the adhoc bonus of 29 days to the applicants assuming the ceiling on income of Rs.3,500/- during the year 1992-93 and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

11. COURT FEE:-

I.P.O. No. & Date : 805881 of 4 10/11/93

Name of the P.O. : New Malleshwari

12. ENCLOSURES:- Vakalat, Material Papers, Covers, Pads, IPO.

VERIFICATION

Rs 50/-
I.P.O./B.C.D.B./Removed

We, the above named applicants, do hereby verify that the contents in paras 1 to 6 are true to my personal knowledge and the contents in paras 7 to 12 are true from legal advise from my counsel and we have not suppressed any material facts.

Hyderabad,

Dated:

Signature of the Applicants

(1) K. Tanah

(2) A. A. run

(3) 

(4) S. S. 2 all

(5) V. Girija Bai

(6) P. Narasimha

(7) K. G. S. S. S.

(8) Aruna mami di

(9) V. Sathya gopal

(10) A. Vijaya Lakshmi

(11) M. S. S. S.

(12) P. S. R. Murtug

(13) K. K. S. S. S.
Signature of Applicant

1 CK/estamara
Counsel for applicants

11-83
11
15
(10-11-83)

Copy of the letter no. F.14 (6)-E(Coord)/83, dt. 10th November, 83, from Government of India, Ministry of Finance, (Department of Expenditure), addressed to All Ministries and Departments of the Government of India etc. /NewDelh

.

OFFICE MEMORANDUM

Subject: Productivity Linked Bonus Scheme - grant of ad hoc bonus for 15 days to the Central Government employees.

.

Productivity Linked Bonus has already been allowed by Government to certain sections of Central Government employees working in various departments of the Government eg., Railways, Posts & Telegraphs, Defence Production Units, etc., Staff side of the National Council (JCM) had demanded that the remaining employees of the Central Government should also be given bonus on similar lines.

2. The matter has been considered carefully ~~xxx~~ by the Government and the President is/pleased to decide that /now the Central Government employees who are not covered under the existing Productivity Linked Bonus Schemes may be granted 15 days emoluments as ad-hoc bonus for the year 1982-83, pending evolution of a formula for these categories of employees as a whole or separate formulae for each sector. For this purpose, 15 days' emoluments will mean 15 days emoluments for March, 1983. This will be admissible also to the Central Police and Para-military personnel and personnel of Armed Forces.

3. The aforesaid benefit will be admissible to those employees who were in service on 31/3/83 and had rendered atleast six months of continuous service during the year.

4. The employees drawing emoluments upto and including Rs 1600/- per month will be eligible for the said ad hoc bonus. The maximum amount payable will be restricted to the amount admissible for those drawing emoluments of Rs 750/- per month. For employees ~~xxxxxx~~ drawing monthly

contd-2

/C. S. Advoca

A.T. 18
(14) (12)

:2:

emoluments of more than Rs 750/- and not exceeding Rs. 1600/- bonus will be calculated as if the emoluments were Rs 750/-. The term emoluments for this purpose will be and include basic pay, personal pay, special pay, dearness allowance and additional dearness allowance but will not include any other allowance such as house rent allowance, compensatory(city) allowance, special compensatory (remote locality) allowance, bad climate allowance, children's education allowance etc.

5. The casual labour who have worked for at least 40 days for each year for three years or more, will be eligible for an ad-hoc bonus. The amount will be computed on a notional monthly wage of Rs 150/- irrespective of the actual monthly wages. The amount of ad-hoc bonus payable will be Rs 150 x 15/31 ie., Rs 72.60 paise.

6. In so far as the employees serving in the Indian Audit and Accounts are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.

sd/-

SC MAHALIK

JOINT SECRETARY TO THE GOVERNMENT OF INDIA

Tele : : 373744.

//True copy//

Audit Officer-(Admin)
Posts & Telegraphs Audit Office
HYDRABAD-501.

K. C. Lakshman
Admin

AII 8-9
(13)
(2)

No. F.14(9)-E(Coord)/88
Government of India
Ministry of Finance
(Department of Expenditure)

New Delhi, the 11th October, 1988

OFFICE MEMORANDUM

Subject: Grant of *ad hoc* bonus to the Central Government employees for the year 1987-88.

The undersigned is directed to refer to this Ministry's Office Memorandum No. F.14(1)-E(Coord)/87, dated 3.9.1987 relating to grant of *ad hoc* bonus to Central Government employees not covered by any of the Productivity Linked Bonus Schemes, pending evolution of a formula for these categories of employees as a whole or separate formulae for each sector, for the accounting year 1986-87.

2. The President is pleased to decide that pending evolution of the above mentioned formulae, in respect of the accounting year 1987-88 *ad hoc* bonus equivalent to 27 days emoluments may be granted to the category of employees covered by this Ministry's O.M. No. F.14(6)-E(Coord)/83, dated 10.11.1983. The payment will also be admissible to the Central Police and Para-Military personnel and personnel of Armed Forces. The orders will be deemed to be extended to the employees of Union Territory Administrations, which follow the Central Government pattern of emoluments and are not covered by any other bonus or *ex gratia* scheme.

3. The *ad hoc* bonus for the year 1987-88 as mentioned above will be computed on the basis of the actual emoluments upto and including Rs.2500/- per month as on 31st March, 1988. The maximum amount will, however, 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 *ad hoc* bonus will be calculated as if the emoluments were Rs.1600/- p.m. The upper ceiling limit of Rs.2500/- p.m. as on 31.3.1988 will be applicable irrespective of whether the emoluments are drawn in the pre-revised or revised scale of pay.

4. The *ad hoc* bonus shall be subject to the following terms and conditions:-

- (i) Only those employees who, were in service on 31.3.1988 and have rendered at least six months of continuous service during the year 1987-88 will be eligible for payment under these orders. Pro-rata payment will be admissible to the eligible employees for periods of

continuous service during the year ranging from six months to a full year, the eligibility period being taken in terms of number of months of service (rounded to the nearest number of months).

- (ii) The quantum of *ad hoc* bonus admissible under these orders will be worked out on the basis of emoluments as admissible on 31.3.1988. The term 'emoluments' occurring in these orders will be and include basic pay, personal pay, special pay, deputation (duty) allowance and dearness allowance and will also include additional dearness allowance and interim relief in the case of employees who have not yet opted to come over to the revised scales of pay but will not include other allowances, such as house rent allowance, compensatory (city) allowance, special compensatory (remote locality) allowance, bad climate allowance, Children Education Allowance etc.
- (iii) The casual labour who have worked for at least 240 days for each year for 3 years or more, will be eligible for this *ad hoc* payment. The amount will be paid on a notional monthly wage of Rs.300/- irrespective of actual monthly wages. The amount of *ad hoc* bonus payable will be $\text{Rs.} 300 \times \frac{27}{31}$ i.e. Rs. 261.29 (rounded off to Rs. 261).
- (iv) All payments under these orders will be rounded to the nearest rupee.
- (v) In the matter where the aforesaid provisions are silent, clarificatory orders issued *vide* this Ministry's OM No. F.14(10) D.O. No. 114/1988 dated 1.12.1988.
5. The payments under these orders will be chargeable to the sub-head 'Salaries' in the relevant demand for grants of the organisations concerned.
6. The expenditure incurred on account of *ad hoc* bonus should be met from within the budgetary provision of concerned Ministries/Departments.
7. In so far as the persons serving in the Indian Audit and Accounts Departments are concerned, these orders are issued in consultation with the Comptroller and Auditor General of India.
8. Hindi version of this Office Memorandum is attached.

B.P. Varma

(B.P. Varma)

Joint Secretary to the Government of India

To

All Ministries/Departments of Government of India (as per standard distribution list).

11/12/88
Advocate

No. 14(3)-E(Coord)/93
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 30th September, 1993.

OFFICE MEMORANDUM

Subject:- Grant of ad-hoc bonus to the Central Government employees for the year 1992-93.

The undersigned is directed to convey the sanction of the President to the grant of ad-hoc bonus equivalent to 29 days emoluments for the accounting year 1992-93 to the Central Government employees who are not covered by any Productivity Linked Bonus Scheme. The personnel and also be admissible to the Central Police and Be deemed to be extended to personnel of Armed Forces, Military Administrations, which follow the the employment pattern of emoluments and are not covered by any other bonus or ex-gratia scheme.

2. The ad-hoc bonus for the year 1992-93 as mentioned above will be computed on the basis of the actual emoluments upto 31.3.1993. Rs.2500/- per month as on 31st March, 1993. However, to those drawing emoluments of Rs.1600/- per month but not exceeding Rs.2500/- per month, the ad-hoc bonus will be calculated as if the emoluments were Rs.1600/- per month. The upper ceiling limit of Rs.2500/- per month as on 31.3.1993 will be applicable irrespective of whether the emoluments are drawn in the pre-revised or revised scale of pay.

3. The benefit will be admissible subject to the following terms and conditions:-

- (i) Employees who were in service on 31.3.1993 and have rendered at least six months of continuous service during the year 1992-93 will be eligible for payment under these orders. Pro-rata payment will be admissible to the eligible employees for period of continuous service during the year ranging from six months to a full year, the eligibility period being taken in terms of number of months of service (rounded to the nearest number of months).
- (ii) The quantum of ad-hoc bonus admissible under these orders will be worked out on the basis of emoluments as admissible on 31.3.1993. The term 'emoluments' occurring in these orders will

Chakrabarty
Advocate

be and include basic pay, personal pay, special pay, deputation (day) allowance and dearness allowance and will also include additional dearness allowance and interest relief in the case of employees who have not yet opted to come over to the revised scales of pay but will not include other allowances, such as house rent allowance, compensatory (city) allowance, special compensatory (remote locality) allowance, bad climate allowance, children education allowance etc.

(iii) The casual labour who have worked for at least 240 days for each year for 3 years or more, will be eligible for this ad-hoc payment. The amount will be paid on a notional monthly wage of Rs.750/-. The amount of ad hoc bonus payable will be $(Rs.750 \times 22)$ i.e.,

Rs.701.61 (rounded off to Rs.702/-). In cases where the actual emoluments fall below Rs.750/- per month, the amount will be calculated on actual monthly emoluments.

(iv) All payments under these orders will be rounded off to the nearest rupee.

(v) In the matter where the aforesaid provisions are silent, clarificatory orders issued vide this Ministry's OM No.F.14(10)-E. (Coord)/88 dated 4.10.1988, as amended from time to time, would hold good.

4. The payments under these orders will be chargeable to the sub-head 'Salaries' in the relevant demand for grant of the organisations concerned.

5. The expenditure incurred on account of ad-hoc bonus is to be met from within the sanctioned budget provision of concerned Ministries/Departments for the current year.

6. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders are issued in consultation with the Comptroller and Auditor General of India.

Prabir Chatterjee
(S.C. CHUGHI)

Under Secretary to the Govt. of India

To

All Ministries/Departments of the Government of India as per standard distribution list etc.

Copy (with usual number of spare copies) forwarded to C. & A.G., U.P.S.C., etc. etc. as per standard list.

O/o the P. C. C. A.

CBDT, 1st Floor Lok Nayak Bhawan,

Khan Market, New Delhi - 110002

forwarded to the So. Accounts Officer / Accounts Officer,
CBDT Hyderabad for information and necessary action.

In & under
So. Accounts Officer
CBDT Hyderabad

2-16(20)/93-94/PCCA/CBN/3)

Dated: 1.10.93

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Adme

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On 13.09.1993 the Cabinet Secretary invited the Staff Side for further discussions. The Official Side made the following proposals as final:-

- 1) Vth Pay Commission will be appointed immediately. The terms of reference will be finalised in consultation with the Staff Side. A special meeting of the National Council (JCM) or Standing Committee will be called for the purpose.
- 2) An interim relief of Rs.100/- will be granted to all employees from 16.09.1993. It will not count for any purpose.
- 3) 20% of Dearness Allowance drawn at the time of retirement will be merged with pay for the purpose of gratuity only with effect from 16.09.1993.
- 4) In view of the rejection of the two Awards of BOA (Conveyance Allowance & Encashment of leave) by the Cabinet, Parliament's approval will be sought in the next Session.
- 5) The eligibility ceiling on income for payment of Bonus will be raised as follows:-

For Railwaymen	From 3500 to 4500
For P&T and other employees covered by Productivity Linked Bonus Scheme	from 2500 to 3500
For other (Central Secretariat.	
Income Tax. Audit :	No Change
& Accts. etc.,)	2500 to continue

In the event of P&T employees, securing a favourable decision from the Supreme Court in the case, now pending before the Court, ceiling will be raised to Rs.4500/- for P&T employees also.

STEERING COMMITTEE MEETS

The Steering Committee met on 14.09.1993 & 18.09.1993 and reviewed the results of the negotiations.

The members welcomed the proposals on Interim Relief and D.A Merger. They however expressed disappointment over the discrimination between the Railwaymen and others on the question of ceiling on income for Bonus.

// COPY //

[Signature]
APPLICANT

AH8ted

[Signature]
Senior Postmaster
Rajmahal G.P.O. - 200

[Signature]
Advocate

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A. NO. 1575 of 1993

BETWEEN :

Smt. K. Janaki & 12 Others .. Applicants
and

Hyderabad, and 2 Others. .. Respondents

COUNTER AFFIDAVIT FILED ON BEHALF OF ALL THE RESPONDENTS.

I, A. Tata Rao, son of Sri A. Suranna, aged about 50 years, occupation: Government service, do hereby affirm and state as follows :

1. I am the Deputy Registrar (Admn.) and the Respondent No. 1 and as such I am fully acquainted with all facts of the case. I am filing this counter affidavit on behalf of all the respondents as I have been authorised to do so. The material averments in the O.A. are denied, save those that are expressly admitted herein. The applicants are put to strict proof of all such averments except those that are specifically admitted hereunder :

2. In reply to para 6 of the O.A. the respondents submit their reply as follows :

(1) The scheme of productivity linked bonus was allowed by the Government to certain sections of Central Government employees working in various commercial and production oriented sectors of the Government such as Railways, Posts & Telegraphs, Defence Production Units, etc.

contd...2

REC
counter
16/9/94
16/9/94
Section Officer
Central Administrative Tribunal
HYDERABAD

4
DEPONENT
DEPUTY REGISTRAR (Admn.)
Central Administrative Tribunal
Hyderabad - 500 001.

19

During the year 1983 staff side of National Council (Joint Counsultative Machinery) had demanded that the remaining employees of the Central Government should also be given bonus on similar lines. After careful consideration by the Government, President was pleased to decide that the Central Government employees who are not covered under the productivity linked bonus scheme may be granted adhoc bonus for the year 1982-83 pending evolution of a formula for these categories of employees as a whole or separate formulae for each sector. The Govt. of India, M/o Finance vide O.M. No. 14(3)-E.(Coord)/93, dated 30-9-1993, sanctioned adhoc bonus equivalent to 29 days of emoluments for the year 1992-93 to all the Central Government employees who are not covered by any productivity linked bonus scheme. Accordingly, the adhoc bonus for the said year was paid to the employees whose emoluments as on 31-3-1993 do not exceed Rs.2,500/- per month. The maximum amount will be restricted to the amount admissible to those drawing emoluments of Rs.1600/- per month. For the employees drawing monthly emoluments of more than Rs.1600/- per month, but not exceeding Rs.2,500/- per month, the adhoc bonus will be calculated as if the emoluments were Rs.1600/- per month. In accordance with the said orders of the Govt. of India adhoc bonus for the year 1992-93 has not been paid to all the applicants except the applicants at Sl.No. 6, 7, 10 and 13, as they have become ineligible to get full bonus of 29 days emoluments as their emoluments were above Rs.2500/- per month as on 31-3-1993 restricting the amount to Rs.1600/- P.M.

[Signature]
8994
ATTESTOR

अनुवाक अधिकारी
Section Officer
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
Hyderabad - 500 001

[Signature]
contd...3
DEPONENT. 8994

DEPUTY REGISTRAR (Admn.)
Central Administrative Tribunal
Hyderabad - 500 001.

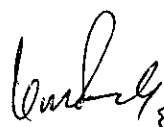
20

The applicants at Sl.Nos. 6, 7, 10 and 13 were however, paid adhoc bonus on pro-rate basis as admissible to them in accordance with the orders of Govt. of India vide O.M. No. F.14(1)-E.Coord/88, dt. 5-6-1991. Copies of O.M. dated 30-9-1993 and 5-6-1991 are filed herewith as Annexures R-1 and R-2.

(ii) During the years 1990-91, 1991-92 and 1992-93, the adhoc bonus was sanctioned for 29 days and bonus was paid to all the eligible employees with reference to the ceiling prescribed by the Govt. of India.

(iii) In reply to Para 6(d) it is submitted that the demand of the Central Government employees for enhancement in the eligibility ceiling for payment of bonus was discussed in the meeting of Standing Committee of the National Council held in September, 1993. On the basis of a mutual agreement between the official side and the staff side, a decision was taken to increase the eligibility ceiling for payment of productivity linked bonus to Rs.3,500/- except in the ^{case of} Railway employees for whom the eligibility ceiling was raised to Rs.4500/-. However, for adhoc bonus, it was decided to maintain the eligibility ceiling of Rs.2500/-. It is pertinent to mention herethat the productivity linked bonus and adhoc bonus are covered by separate schemes. The productivity linked bonus is related to the productivity and is related to the relevant productivity linked bonus scheme formulated by the concerned Ministry/Department with reference to the parameters of the productivity obtained in the Department. On the other hand adhoc bonus is not related to productivity. It is

contd....4


8-9-94
Section Officer
ATTESTOR
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद HYDERABAD.


4
DEPONENT 8994
DEPUTY REGISTRAR (Admn.)
Central Administrative Tribunal
Hyderabad - 500 001,

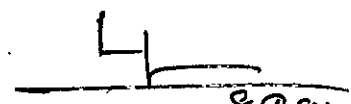
(21)

generally in the nature of ex-gratia. There is no formula prescribed for the payment of adhoc bonus and the same is determined on year to year basis taking into account the various relevant factors. Thus adhoc bonus cannot be compared or equalised with the productivity linked bonus in the matter of eligibility criteria, etc. A copy of the letter No. P.26012/1/94-AT, of the Ministry of Personnel is filed herewith as Annexure R-3. The citation quoted by the applicants has no relevance to the present case as the said case deals with a totally different situation. The facts and circumstances of that case is entirely different to the present case. As stated above, the productivity linked bonus scheme and adhoc bonus scheme are two different aspects, the nature of work and the Department under which they are working have to be looked into. The said case of Randheer Singh & Others deals with the Drivers working in the Delhi Administration and Delhi Police Force. The nature of work and the Departments under which they were working are all totally different and therefore cannot be compared for the purpose of application of ceiling of Rs.3500/- for the employees not covered by Productivity Linked Bonus scheme. The said case deals with equal pay for equal work and has no application to the case on hand.

For the reasons stated above, the applicants have not made out any case either on the facts or on law and there is no merit in the O.A. It is, therefore, prayed that this Hon'ble Tribunal may be pleased to dismiss the O.A. with costs and pass such further and

contd....5


ATTESTOR
 Section Officer
 केंद्रीय प्रशासनिक अधिकरण
 Central Administrative Tribunal
 हैदराबाद HYDERABAD.


DEPONENT 8994
 DEPUTY REGISTRAR (Admn.)
 Central Administrative Tribunal
 Hyderabad - 500 001.

22

other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

DEPONENT.

DEPUTY REGISTRAR (Admn.)
Central Administrative Tribunal
Hyderabad - 500 001.

Solemnly and sincerely
affirmed this 8th day
of September 1994,
and signed his name in my presence.

BEFORE ME

8.9.94

ATTESTOR.

Section Officer
केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
हैदराबाद HYDERABAD.

to and include basic pay, personal pay, special pay, deputation (duty) allowance and dearness allowance. It will also include additional dearness allowance and inflation relief in the case of employees who have not yet opted to come over to the revised scales of pay but will not include other allowances, such as house rent allowance, compensatory (city) allowance, special compensatory (remote locality) allowance, bad climate allowance, children education allowance etc.

year for 1 year or more, will be eligible for this ad-hoc payment.

The amount will be paid on a notional monthly wage of Rs.750/-.

The amount of ad hoc bonus payable will be $(Rs.750 \times 22)$ i.e.,

Rs.701.61 (rounded off to Rs.702/-). In cases where the actual

emoluments fall below Rs.750/- per month, the amount will be

calculated on actual monthly emoluments.

(iv) All payments under these orders will be rounded off to the nearest rupee.

(v) In the matter where the aforesaid provisions are silent, clarificatory orders issued vide this Ministry's OM No.F.14(10)-E. (Coord)/88 dated 4.10.1988, as amended from time to time, would hold good.

4. The payments under these orders will be chargeable to the sub-head 'Salaries' in the relevant demand for grant of the organisations concerned.

5. The expenditure incurred on account of ad-hoc bonus is to be met from within the sanctioned budget provision of concerned Ministries/Departments for the current year.

6. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders are issued in consultation with the Comptroller and Auditor General of India.

Asat Singh
(S.C. CHUGH)

Under Secretary to the Govt. of India

To

All Ministries/Departments of the Government of India as per standard distribution list etc.

Copy (with usual number of spare copies) forwarded to C.& A.G., U.P.S.C., etc. etc. as per standard list.

o/o the P. C. C. A.

CBET, 1st floor Lok Nayak Bhawan

Khan Market, N. Delhi - 110002

forwarded to the Sd. Accounts Officer / Accounts Officer
CBET Hyderabad for information and necessary action

2-16(20)/93-94/PCs/CDN/3)

Dated: 1.10.93

In accordance
Sd. Accounts Officer
CD Section

90

No. 14(3)-B(Contd)/93
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 30th September, 1993.

OFFICE MEMORANDUM

Subject:- Grant of ad-hoc bonus to the Central Government employees for the year 1992-93.

The undersigned is directed to convey the sanction of the President to the grant of *ad-hoc* bonus equivalent to 29 days emoluments for the accounting year 1992-93 to the Central Government employees who are not covered by any Productivity Linked Bonus Scheme. The payment will also be admissible to the Central Police and Para-Military Personnel and personnel of Armed Forces, many administrations, which follow the Central Government pattern of emoluments and are not covered by any other bonus or ex-gratia scheme.

2. The ad-hoc bonus for the year 1992-93 as mentioned above will be computed on the basis of the actual emoluments upto and including Rs.2500/- per month as on 31st March, 1993. The maximum amount will, however, be restricted to the amount admissible to those drawing emoluments of Rs.1600/- per month. For the employees drawing monthly emoluments of more than Rs.1600/- per month but not exceeding Rs.2500/- per month, the ad-hoc bonus will be calculated as if the emoluments were Rs.1600/- per month. The upper ceiling limit of Rs.2500/- per month as on 31.3.1993 will be applicable irrespective of whether the emoluments are drawn in the pre-revised or revised scale of pay.

3. The benefit will be admissible subject to the following terms and conditions:-

- (i) Only those employees who were in service on 31.3.1993 and have rendered at least six months of continuous service during the year 1992-93 will be eligible for payment under these orders. Pro-rata payment will be admissible to the eligible employees for period of continuous service during the year ranging from six months to a full year, the eligibility period being taken in terms of number of months of service (rounded to the nearest number of months).
- (ii) The quantum of ad-hoc bonus admissible under these orders will be worked out on the basis of emoluments as admissible on 31.3.1993. The term 'emoluments' occurring in these orders will

In the C-A-T
Hyd Bench

OA 1575/93

Counter Affidavit



6
16/9/94

May be filed

Filed by ———— 16/9/94

N.R. DEVARAJ

Advocate &

Standing Counsel for Railways,

8, Lalithanagar,

Jamai Osmania,

HYDERABAD-500 044

No.P.26012/1/94-AT

भारत सरकार

GOVERNMENT OF INDIA

कामिक, लोक शिकायत तथा पेंशन मंत्रालय

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

कामिक और प्रशिक्षण विभाग

DEPARTMENT OF PERSONNEL & TRAINING

नई दिल्ली

NEW DELHI

Dated the

COURT CASE
MOST IMMEDIATE

SN. 4(R)

R-3

(20)

To,

The Registrar,
Central Administrative Tribunal,
Principal Bench,
Faridkot House,
Copernicus Marg,
New Delhi.

Subject:-Court case- O.A.No.1575/93 filed by Smt. Janaki & 12 others V/s C.A.T., Hyderabad and 2 others before Hyderabad Bench of CAT - regarding.

...

Sir,

P
1/c

I am directed to refer to this Department's letter of even number dated 12.1.94 on the above subject and to communicate the views of Ministry of Finance in the matter. The following views may be incorporated suitably in the draft court reply to be drafted by the Govt. Counsel and the same sent to this Department for getting vetted by the Min. of Law.

"The demand of the employees for enhancement in the eligibility ceiling for payment of bonus was discussed in the meetings of the Standing Committee of the National Council, in September, 1993 under the Chairmanship of Cabinet Secretary. On the basis of a mutual agreement between the official side and the Staff Side, it was decided to increase the eligibility for apyment of PLB to Rs.3500/- except in the case of Railway employees, in whose case, the eligibility ceiling was raised to Rs.4500/- for ad-hoc bonus, it was decided to maintain the eligibility ceiling of Rs.2500/-.

The productivity bonus and ad-hoc bonus are covered under separate schemes. While the PLB is related to the productivity, it is regulated under the relevant PLB schemes formulated by the concerned Ministry/Department with reference to the productivity obtaining in the Department, but the productivity bonus is not related to productivity. It is generally ex-gratia. There is no formula prescribed for the bonus and the same is determined on year to year basis taking into account the various relevant factors. It is therefore, to be compared with the productivity matter of eligibility criteria etc."

under Secr

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...O.A. 1575/93 ✓.....Dated. 2.11.84 ✓. having. ...B. ✓
document No.

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official use and have been authorised by

Dated: .. 1993

Name of the Officer
Designation.

Rsm/--

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
(II COURT)

R.A./M.A./C.A. No. /9

ORIGINAL APPLICATION NO. 1575 OF 1993 ✓

.....
Transfer Application No.

Old Petn. No.

CERTIFICATE

Certified that no further action is required to be taken
and the case is fit for consignment to the Record Room (Decided)

Dated: 24-11-84 ✓

Counter Signed:

Section Officer/Court Officer

Signature of the Dealing
Assistant.

Pre-delivery judgement in O.A.No.1575/93

prepared by Hon'ble Shri A.B.Gorthi, Member(A)

for concurrence pl.

To

Hon'ble Shri A.V.Haridasan,

Member(J).

L. A. N. 94

[Signature]

CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1525/93

Dt. of Decision: _____

Smt Janaki & Others Applicant(s)

versus

CAT Respondent(s)

FOR INSTRUCTIONS

1. Whether it be referred to the Reporter or not. YES/~~NO~~ ✓
2. Whether it be circulated to all the Benches of Central Administrative Tribunal or not. YES/~~NO~~ ✓

Member (A)

Vice-Chairman/Member (A)

(26)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION No.1575/93

DATE OF JUDGEMENT 2-11 1994

Between

1. Smt K. Janaki
2. Sri A. Arun
3. Sri D.V.Lokeshwara Rao
4. Sri J.Md.Zafarulla
5. Smt V. Grija Bai
6. Sri T.Narasimha Rao
7. Sri K.Ramsudhakar
8. Miss Aruna Mamidi
9. Sri V. Satyanarayana
10. Smt A. Vijayalakshmi
11. Sri S.Kailasam
12. Sri P.S.R.Murthy
13. Sri Khaja Kaleemullah

.. Applicants

and

1. The Registrar, Central Admn. Tribunal
Hyderabad Bench, Hyderabad
2. The Secretary to the Govt. of India,
Min. of Finance, Deptt. of Expenditure
Central Secretariat, New Delhi
3. Union of India, rep by
Secretary to Govt. of India
Min. of Personnel and Trg.
Public Grievances and Pension
Central Secretariat, New Delhi

.. Respondents

Counsel for the Applicant :: Mr K. Venkateswara Rao

Counsel for the Respondents:: Mr NR Devraj, Sr.CGSC

CORAM:

HON'BLE SHRI A.V. HARIDASAN, MEMBER(JUDL.)

HON'BLE SHRI A.B. GORTHY, MEMBER(ADMN)

25/11/94

(22)

O.A.1575/93

Dt. of Judgement: 2-11-199

JUDGEMENT

(As per Hon'ble Shri A.B.Gorthi, Member(Admn))

The claim of the applicants is for parity with certain other Central Government employees, such as the employees of the Railways and the Posts and Telegraphs Department in respect of payment of adhoc bonus.

2. Employees of Central Government, working in commercial and production oriented sectors such as the Railways, Postal Telegraphs and Defence Production units receive Productivity linked bonus. The question of extending the benefit of grant of bonus to other Central Government employees was considered and it was decided in 1983 to grant them 15 days emoluments as "ad-hoc" bonus for the year 1982-83. Employees drawing emoluments not exceeding Rs.1600/- per month only were eligible for "ad-hoc" bonus. The upper ceiling on emoluments was later raised to Rs.2500/- per month.

3. The eligibility ceiling on income for payment of Productivity Linked Bonus was also raised to Rs.2500/- per month but the same was further raised in 1993 as under:-

- | | | |
|----|---|-----------------------------|
| a) | for Railwaymen | From Rs.3500/- to Rs.4500/- |
| b) | for P&T and other employees covered by Productivity linked Bonus scheme | From Rs.2500/- to Rs.3500/- |

4. So far as other Central Government employees are concerned, the ceiling limit remained at Rs.2500/- per month which is the grievance of the applicants. They claim adhoc bonus for 29 days for 1992-93 keeping the eligibility ceiling at Rs.3500/- per month.

5. The respondents have clarified that Productivity Linked Bonus and adhoc bonus are administered under two different

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(28)

schemes and that, the employees covered by the two schemes fell into two different categories. Whereas, Productivity Linked Bonus covers only employees in commercial or production oriented establishments of the Central Government, the scheme of ad-hoc bonus covers the rest of the Central Government establishments. As adhoc bonus is not production linked, it cannot always be equated to Productivity Linked Bonus, even if at one point of time both the schemes operated on similar terms. The respondents thus contend that the applicant cannot claim parity with the employees enjoying the benefit of Productivity linked bonus.


6. There can be no dispute that employees can be classified for differential treatment, but what is essential is that there must be a nexus between the basis of classification and the object of the scheme. The object of Productivity Linked Bonus is to spur the employees to achieve higher levels of production or profit. There can, therefore be no question of extending identical benefits to those serving in Government Departments which are not production or profit oriented.

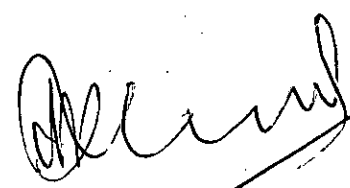
7. In Union of India Vs Tejram Parashramji Bombhate (1991)3 SCC 11, it was held that in respect of a policy matter involving financial burden, no court or Tribunal should compel the government to change its policy. It is entirely for the executive to examine the issue in all its aspects, with the assistance of experts, if required, and take a decision which is in the best interests of all concerned. In the past, the eligibility ceiling on income was raised by the Government itself from Rs.1600/- to ^{qu}Rs.2500/-. It cannot, therefore be said that the Government would be oblivious to the requirement of re-examining the eligibility ceiling on income for grant of adhoc bonus at an appropriate time.

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8. With the above observations, we dismiss the OA.

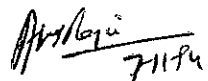
No order as to costs.


(A.B. GORTHI)
Member(Admn)


(A.V. HARIDASAN)
Member(J)

Dated: 2 Nov. 94

mvl


DEPUTY REGISTRAR(J)

To

1. The Registrar, Central Administrative Tribunal, Hyderabad Bench, Hyderabad.
2. The Secretary to the Govt. of India, Min. of Finance, Dept. of Expenditure, Central Secretariat, New Delhi.
3. The Secretary to Govt. of India, Union for India, Ministry of Personnel and Training, Public Grievance Pension, Central Secretariat, New Delhi.
4. One copy to Mr.K.Venkateswar Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr.N.R.Devraj, SR.CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.
8. Copy to All Bench & Reporters as per standard list of CAT, Hyd.

YLKR

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M. 7/11/94

Typed by
Checked by

Compared by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

11/11/94

THE HON'BLE MR.A.V.HARIDASAN : MEMBER (J)

AND

THE HON'BLE MR.A.B.GORTHY : MEMBER (A)

Dated: 2-11-94

ORDER/JUDGMENT.

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

in

O.A.NO. 1575/93

T.A.NO.

(W.P.NO.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with Directions.

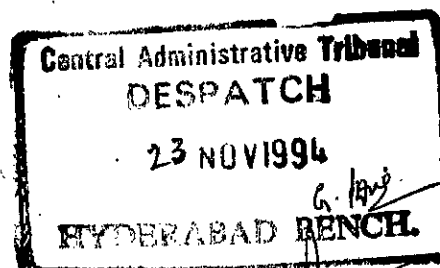
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.



YLKR

G. 14/11/94