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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 746/94.

Dt. of Decision : 1.7.94.

Mr. Ghouse

Applicant

Vs

The Superintendent of Post offices,

Regional Master General, A.P. Southern

Respondents.

The Applicant : Mr. Krishna Devan

The Respondents : Mr. N.R. Devaraj, Sr. CGO.

CORAM:

THE HON'BLE SHRI JUSTICE

THE HON'BLE

MEMBER (ADMN.)

(76)

O.A.No.746/94.

Date: 1.7.1994.

J U D G M E N T

X 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 the respondents.

2. In this application dated 1.6.1994 filed under sec.19 of the Administrative Tribunals Act, 1985, the applicant who was a Reserve Trained Pool Postal Assistant (R.T.P.P.A.) in Anantapur Division, prayed for a declaration that he is entitled for grant of Productivity Linked Bonus at the rates applicable to regular Postal Assistants between the period from 19.3.1983 to 23.6.1989 and for a further direction to pay the same within 3 months from the date of receipt of this order.

3. The applicant herein joined as R.T.P.P.A. on 19.3.1983 and served in that capacity till 23.6.1989. He was appointed as regular Postal Assistant on 24.6.1989. It is stated that he was selected after tough competition and performed the duties quantitatively and qualitatively ~~th~~ as that of regular Postal Assistants whenever he was engaged intermittently against the vacancies of regular Postal Assistants. By denying him the benefit of Productivity Linked Bonus during the period from 1983 to 1989 when he worked as R.T.P.P.A.

5.10.1988, he has been subjected to hostile discrimination in violation of Articles 14 & 15 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

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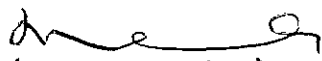
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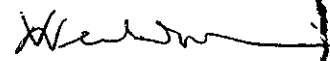
in O.A.No.171/89 dt. 18.6.1990. The applicants therein were also similarly situated as the applicant herein. The O.A.No.171/89 on the file of Ernakulam Bench was decided based on the decision in O.A.No.612/89 on the file of the same Bench. The ratio in that judgment was that no distinction can be made 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 three 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 to time.

5. Similar order was also passed by this Tribunal in O.A.No.458/94 dt. 28.4.1994 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.

To 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 aforesaid cases. The above direction should be complied within a period of three months from the date of communication of this order.

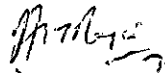
itself. No costs.


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated 1st July 1994.

Grh.


Deputy Registrar

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL : HYDERABAD BENCH
HYDERABAD

VICE-CHAIRMAN:

and

MR. K. RANGARAJAN : M(ADMN)

Date: 7 - 7 - 1994.

~~ORDER~~/JUDGMENT:

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

in

O.A.No.

746/au

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions.

No order as to costs.

pvm

