

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD

AT HYDERABAD

D.A. No. 762/94.

Dt. of Decision : 5.7.94.

1. L. Hussain Peera

2. K. Vijaya Bhaskara Reddy

.. Applicants.

Vs

1. The Superintendent of Post Offices,
Anantpur Division, Anantpur.

2. The Post Master General, A.P.,
Southern Region, Kurnool-5.

.. Respondents.

Counsel for the Applicants : Mr. Krishna Devan

Counsel for the Respondents : Mr. N.V.Raghava Reddy,
Addl.CGSC.

CORAM :

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

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

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J U D G M E N T

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

Heard Sri Krishna Devan, learned counsel for the applicants and Sri N.V.Raghava Reddy, learned Standing Counsel for the respondents.

2. In this application dt. 1.6.1994 filed under sec.19 of the Administrative Tribunals Act, 1985, the applicants who were Reserve Trained Pool Postal Assistants (R.T.P.P.As.) in Anantapur Division, prayed for a declaration that the 1st applicant is entitled for grant of productivity linked bonus at the rates applicable to regular Postal Assistants between the period from 20.3.1983 to 14.6.1988 and the 2nd applicant is entitled for the above bonus for the period from 20.3.1983 to 9.2.1989 and for a further direction to pay the arrears of bonus to which the applicants are eligible within three months from the date of receipt of this order.

3. Both the applicants herein joined as R.T.P.P.As. on 20.3.1983. The 1st applicant served in that capacity till 14.6.1988 and 2nd applicant till 9.2.1989. Subsequently they were regularised as Postal Assistants with effect from 15.6.1988 and 10.2.1989 respectively. It is stated for the applicants that they were selected after tough competition and performed the duties quantitatively and qualitatively as that of regular Postal Assistants whenever they were engaged intermittently against the vacancies of regular Postal Assistants. By denying them the benefit of productivity linked bonus during the periods from 1983 to 1988 and 1983 to 1989 respectively when they worked as R.T.P.P.As. allowed by D.G., Department of posts by letter dt. 5.10.1988, they had 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.

To

1. The 'Superintendent of Post Offices,'
Anantapur Division, Anantapur.
2. The Postmaster General, A.P.
Southern Region, Kurnool-5.
3. One copy to Mr.Krishna Devan, Advocate, CAT.Hyd.
4. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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4. Sri Krishna Devan, learned counsel for the applicants has drawn our attention to a Judgment of the Ernakulam Bench in O.A.No.171/89 dt. 18.6.1990. The applicants therein were also similarly situated as the applicants 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

..... 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 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 applicants herein are 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 applicants in this O.A.also.

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

7. The O.A. is ordered accordingly at the admission stage itself. No costs.

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(R.Rangarajan)
Member (Admn.)

Dated 5.7.1994.

Neeladri
(V.Neeladri Rao)
Vice Chairman

Prabhu
7-7-94
Deputy Registrar (CC)