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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 869/94.

Dt. of Decision : 27.7.94.

Mr. G. Mohammad

.. Applicant.

Vs

1. The Supdt. of Post Offices,
Kurnool Division, Kurnool.
2. The Supdt. of Post Offices,
Nandyal Division, Nandyal.
3. Ibs. Postmaster General A.O.
4. The Director General,
Dept. of Posts,
Dak Bhavan, Sansad Marg,
New Delhi - 110 001.

.. Respondents.

Counsel for the Applicant : Mr. Krishna Devan

Counsel for the Respondents: Mr. K. Bhaskara Rao, Addl. CGSC.

CORAM:

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

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

JUDGMENT

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

Heard Sri Krishna Devan, learned Counsel for the applicant and Sri M.Bhaskar Rao, learned Standing Counsel for the respondents.

2. In this application dt. 18.7.1994 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 Nandyal Division, prayed for a declaration that he is entitled to regular Postal Assistants between the period from 16.12.1982 to 16.9.1988 and for a further direction to pay the arrears of bonus to which the applicant is eligible within three months from the date of receipt of this order.

3. The applicant herein joined as R.T.P.P.A. on 16.12.1982 and served in that capacity till 16.9.1988. He was appointed as regular Postal Assistant with effect from 17.9.1988. It is stated that he was selected after tough competition and performed the duties quantitatively and qualitatively the work 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 1982 to 1988 when he worked as R.T.P.P.A. allowed by the D.G., Department of Posts by letter 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 :-

1. The Superintendent of Post Offices, Kurnool Division, Kurnool.
2. The Superintendent of Post Offices, Nandyal Division, Nandyal.
3. The Postmaster General, Andhra Pradesh, Southern Region, Kurnool-5.
4. The Director General, Department of Posts, Dak Bhavan, Sansad Marg, New Delhi-110 001.
5. One copy to Mr. Krishna Devan, Advocate, CAT, Hyderabad.
6. One copy to Mr. K. Bhaskara Rao, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare.

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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 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 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 completed within a period of three months from the date of communication of this order.

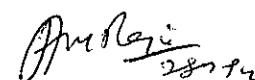
7. The O.A. is ordered accordingly at the admission stage itself. No costs.


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated 27th July, 1994.

Grh.


Dy. Registrar (Jud1)

of. 869/94.

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN : M. A. (LAW)

DATED: 27-9-1994

ORDER/JUDGMENT

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

O.A. No. 869/94

C.T.A. No.

(W.P. No.)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

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