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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 1570/94 &
O.A. 1573/94.

Dt. of Decision : 30.12.94.

S. Hanumandlu

.. Applicant in
OA.1570/94.

B. Jagadish
Vs

.. Applicant in
O.A.1573/94.

1. The Supdt. of Post Offices,
Adilabad Division,
Adilabad-504 001.

2. The Chief Postmaster General,
A.P.Circle, O/o.Dak Sadan,
Abids, Hyderabad.

3. The Director General,
Dept. of Posts, Dak Bhavan,
Parliament Street,
New Delhi-1.

.. Respondents in
both the OAs,

Counsel for the Applicant : Mr. Krishna Devan
(in both the OAs)

Counsel for the Respondents : Mr. N.R.Devaraj, Sr.CGSC.
(in both the OAs)

CORAM:

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

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

P. S.

(14)

OAs 1570/94 & 1573/94

JUDGMENT

Dt:30.12.94

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

Heard Shri Krishna Devan, learned counsel for the applicants and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. In these OAs dated 21.12.94/22.12.94 filed under Section 19 of the Admve. Tribunals Act, 1985, the applicants herein had joined as Reserved Trained Pool/Short Duty Postal Assistants in the year 1981. Later on, all the applicants were absorbed during the years 1984 and 1989. Since then all the applicants are working as Postal Assistants ~~xxx~~ at various offices in Adilabad Division. They pray for a declaration that they are entitled for grant of Productivity Linked Bonus at the rates applicable to the regular Postal Assistants for the period they worked as RTP/SDPAs and for a further direction to pay arrears of bonus to which the applicants are eligible.

3. The applicants herein were absorbed after they had worked as RTP/SDPAs in the respondents organisation. It is stated that they were selected after tough competition and performed their

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duties quantitatively and qualitatively the work 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 for the period they had served as RTP/SDPAs, allowed by the D.G., Department of Posts by letter dated 5.10.1988, they had been subjected to hostile discrimination in violation of Art.14 and 16 of the Constitution. Hence, this OA has been filed with the above prayer.

4. Shri Krishna Devan, learned counsel for the applicants has drawn our attention to the judgment of the Ernakulam Bench in OA 171/89 dt.18.6.1990. The applicants therein were also similarly situated as the applicants herein. The OA 171/89 on the file of Ernakulam Bench was decided based on the decision in OA 612/89 on the file of the same Bench. The ratio in that judgment was that no distinction can be made between an RTP worker and a Casual Labourer in granting Productivity Linked Bonus. It was further held in that OA that RTP candidates like Casual Labourers are entitled to Productivity Linked Bonus if they have put in 240 days of service each year mending 31st March for three years or more. It was further held in that OA

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To

1. The Superintendent, of Post Office---
2. The Chief Postmaster General, A.P.Circle,
O/o Dak Sadan, Abids, Hyderabad.
3. The Director General, Dept.of Posts,
Dak Bhavan, Parliament Street,
New Delhi-1.
4. One copy to Mr. Krishna Devan, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Sr.CGSC. CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

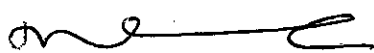
for
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that amount of Productivity Linked Bonus would be based on their average monthly emoluments determined by averaging ... each accounting year of eligibility by 12 and subject to other conditions prescribed from time to time.

5. Similar order was also passed by this Tribunal in OA 611/94 dt.31.5.1994, and 869/94 dt.27.7.94 wherein the applicants were similarly placed to that of the applicants in OA 171/89. As the applicants ... applicants in OA 171/89 decided by the Ernakulam Bench and in OA 611/94 and 869/94 of this Bench, we see no reason in not extending the same benefit to the applicants in these OAs also.

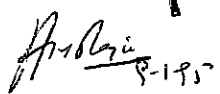
6. In the result, these OAs are allowed with a direction to the respondents to grant the applicants the same benefit as granted by Ernakulam Bench and this Bench of the Tribunal in the afore-stated cases as quoted in para-5 above. The above direction should be completed within a period of three months from the date of communication of this order.

7. The OA is ordered accordingly at the admission stage itself. No costs./


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 30th December, 1994.
Open court dictation.


Deputy Registrar



TYPED BY

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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 (ADMIN)

DATED: 30-12-1994

ORDER/JUDGMENT:

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

in

O.A.No. 1570 & 1573/94

T.A.No. (w.p.)

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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