

(15)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.As. 1571/94, 1572/94,

Dt. of Decision : 30.12.94.

I. Sekhar Reddy	.. Applicant in O.A. 1571/94.
B. Komaraiah	.. Applicant in O.A. 1572/94.
V. Chinnaiyah	.. Applicant in O.A. 1574/94.
Mohd. Shakesluddin	.. Applicant in O.A. 1575/94.

Vs

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 all the OAs.

Counsel for the Applicants : Mr. Krishna Devan
(all the OAs)

Counsel for the Respondents : Mr. K. Bhaskara Rao, Addl.CGSC.
(all the OAs)

CORAM:

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

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

OA 1571/94
OAs 1572/94, 1574/94 and
1575/94.

JUDGMENT

Dt:30.12.94

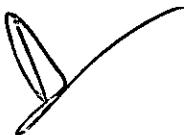
(AS PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Shri Krishna Devan, learned counsel for the applicants and Shri K.Bhaskar Rao, learned standing counsel for the respondents.

2. ^{22/} In these OAs dated 23.12.1994 filed under Section 19 of the Administrative 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 1990/1991. Since then all the applicants are working as Postal Assistants at Head Post Office, Adilabad. 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 duties quantitatively and qualitatively the work

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as that of regular ~~Exx~~ 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 ending 31st March for three years or more. It was further held in that OA that amount of Productivity Linked Bonus would be based

contd....



Amg

To

1. The Superintendent of Post Offices,
Adilabad Division, Adilabad-1.
2. The Chief Postmaster General,
A.P.Circle,
O/o Dak Sadan, Abids, Hyderabad,
Dak Bhavan, Parliament Street,
New Delhi-1.
4. One copy to Mr.Krishna Devan, Advocate, CAT.Hyd.
5. One copy to Mr K.Bhaskar Rao, Addl.CGSC. CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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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.

..... 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 applicants in OA 171/89. As the applicants herein are in the same situation as 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 aforesated 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.

Abdul Gaff
Deputy Registrar

vsn

H-Care
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.RANGARAGAN : M(ADMIN)

DATED: 30-12-1994

ORDER/JUDGEMTN:

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

in

O.A.No. 1571, 1572, 1574 & 1575/94

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.

PVM

