

13

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1576/94 &
O.A. 1577/94.

DI. of Decision : 30.12.94.

K.P. Pakkirappa

.. Applicant in
O.A.1576.

B. Khasim Saheb

.. Applicant in
O.A. 1577/94.

1. The Supdt. of Post Offices,
Kurnool Division, Kurnool.
2. The Postmaster General, A.P.
Southern Region, Kurnool-5.
3. The Director General,
Dept. of Posts,
Oak Bhavan, Sansad Marg,
New Delhi-110 001.

.. Respondents in
both the OAs.

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

Counsel for the Respondents : Mr. N.V.Ramana, Addl.CGSC.
(in both the OAs)

CDRAM:

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

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

Page

(14)

OAs 1576/94
and
1577/94.

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.V.Ramana, learned standing counsel for the respondents.

Section 19 of the Administrative Tribunals Act, 1985, the applicants herein had joined as Reserved Trained Pool Postal Assistants in the year 1983. Later on, both the applicants were absorbed during the years 1987/88. Since then both the applicants are working as Postal Assistants at Head Post Office, Adoni, Kurnool 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-PAs 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 RTPPAs in the respondents organisation. It is stated that they were selected after tough competition and performed their duties

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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 RTPPAs, 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 171/89 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 on their average monthly emoluments determined by dividing the total emoluments for each accounting

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To

1. The Superintendent of Post Offices,
Kurnool Division, Kurnool.
2. The Postmaster General, A.P.
Southern Region, Kurnool-5.
3. The Director General, Dept.of Posts,
Dak Bhavan, Sansad Marg, New Delhi-1.
4. One copy to Mr.Krishna Devan, Advocate, CAT.Hyd.
5. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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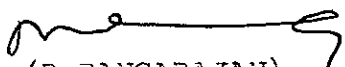
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year of eligibility by 12 and subject to other conditions prescribed from time to time.

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 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 aforesaid 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.

vsn


Deputy Registrar (3)

Page