

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1578/94.

Dt. of Decision : 30.12.94.

1. B. Sheela Devi
2. L.S.Nirmala
3. S.Flocy
4. G.Vasantha Laxmi
5. B.Srigeetha
6. S.Prasanna Kumari
7. Ch.Sarala
8. A.Anantha Laxmi
9. G. Rama Devi
10. M.N.Kiran Kumari
11. A.Jaya
12. E.Katyayana
13. Ch. Kamala Kumari
14. K.R.Revathi

.. Applicants.

Vs

1. Union of India, rep. by
its Secretary to Government,
Telecommunications, New Delhi.
2. General Manager,
Hyderabad Telecom District,
Hyderabad.
3. The Chief General Manager,
Telecom, A.P.Circle,
Hyderabad.
4. The Chairman, Telecom Commission,
Dept. of Telecommunications,
New Delhi.

.. Respondents.

Counsel for the Applicants : Mr. N.Saida Rao

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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OA No. 1578/94

JUDGMENT

Dt:30.12.94

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

Heard Shri N.Saida Rao, learned counsel for the applicants ~~in OA No. 1578/94 and in OA No. 1589/94~~ ~~Devaranxxlearnedxcounselxxforxxthexxapplicantsxxinxx~~ ~~1589/94~~ and Shri N.V.Raghava Reddy, learned standing counsel for the respondents.

2. In this OA dt.20.12.94 filed under Sec.19 of the Administrative Tribunals Act, 1985, the applicants herein numbering 14 had joined as Reserved Trained Pool/Short duty Telephone Operators in the year 1982. Later on, all the applicants were absorbed during the year 1985. Since then all the applicants are working as Telephone Operators at various offices at Hyderabad. They pray for a declaration that they are entitled for grant of Productivity Linked Bonus at the rates applicable to the regular ~~Rasta~~ Telephone Operators for the period they worked as RTP/SDTOs 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/SDTOs in the respondents organisation. It is stated that they were selected

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after tough competition and performed their duties quantitatively and qualitatively the work as that of regular Telephone Operators whenever they were engaged intermittently against the vacancies of regular Telephone Operators. By denying them the benefit of productivity linked bonus for the period they had served as RTP/SDTOs, allowed by the D.G., Department of Posts by letter dt.5.10.1988, they had been subjected to hostile discrimination in violation of Articles 14 and 16 of the Constitution. Hence, this OA has been filed with the above prayer.

4. Shri N.Saida Rao, 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

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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 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.27.7.1994 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 this OA also.

6. In the result, this OA is 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 ^{cases as quoted in Para-5} aforesaid/above. The above direction should be completed within a period of three months from the date of communication of this order.

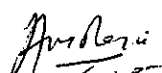
7. The OA is ordered accordingly at the admission stage itself. No costs./


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

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

vsn


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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(ADMIN)

DATED: 30-12-1994

ORDER/JUDGMENT:

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

in

O.A.No. 1578/94

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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