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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1423/94.

Dt. of Decision : 25.11.94.

1. V. Ravi Krishna	16. E.Uma Devi
2. P. Nagalaxmi	17. M.Jagath Kumar
3. P. Nirmala	18. P.Chandra Sekhar Rao
4. Elizabeth Christian	19. P.Yadagiri
5. A.Nagarjuna Rao	20. G.Suresh Kumar
6. K. Koteswara Rao	21. I.Sai Babu
7. B. Muralikrishna Murthy	22. V.Srinivas
8. C.Karunya	23. M.Najibur Rahman
9. T. Ragavendra	24. P.Ranga Sai
10. G. Kondaiah	25. P.Ramanarsingh Rao
11. T.Susheela	26. K.Leslavathi Kulkarni
12. G.Ramana Reddy	27. Y.Koteswara Rao
13. G. Laxmi Prasanna	28. LK.Sandhya
14. K. Uma Devi	29. Ramachander Kulkarni
15. K.P.Jalaja Naidu	30. J.N.Janakiram

Hyderabad City Division, 25/11/94.

2. The Post Master General,
3. The Director General (Postal),
New Delhi. . . Respondents.

Counsel for the Applicants : Mr. N.Saide Rao

Counsel for the Respondents : Mr. N.R.Devaraj, Sr. CGSC.

CORAM:

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

O.A.No.1423/94.

Date:25.11.1994

JUDGMENT

I as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

Heard Sri N.Saida Rao, learned counsel for the applicants and Sri N.R.Devaraj, learned Standing Counsel for the respondents.

2. In this O.A. dt. 8.11.1994 filed under sec.19 of the Administrative Tribunals Act, 1985, the applicants numbering 30. ~~.....~~ Trained Pool/ Short Duty Postal Assistants having applied for the said posts in pursuance of the advertisements ~~.....~~ issued by the Director of Postal Services, A.P.Northern Region, Hyderabad, in the years 1981 1982 on, all the applicants were absorbed during the years 1987 to 1990 vide proceedings Memo No.BII/SDC/Rectt. dt. 12.12.1987, Memo No.BII/Rectt/RTP/PA/V/88 dt. 20.12.1988, Memo No.BII/Rectt/RTP/PA/V/88 dt. 30.12.1988, ~~.....~~ Memo No. BII/Rectt/RTP/V/89 dt. 4.8.1989 and Memo No.BII/Rectt/RTP/PAs/VI/90 dt. 30.5.1990, with effect from the dates of the above orders. Since then all the applicants are working as Postal Assistants at various offices at Hyderabad. They prayed for a declaration that they are ~~.....~~ productivity Linked Bonus at the rates applicable to the regular Postal Assistants for the period they worked ~~.....~~ application to pay arrears of bonus to which the applicants are eligible immediately.

V

3. The applicants herein were absorbed after they had worked as RTPPAs/SDCs in the respondents organisation during the years 1987 to 1990 in terms of the proceedings quoted above. It is stated that they were selected after tough competition and performed their 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 RTPPAs/STCS, 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 & 16 above prayer.

Learned counsel for the applicants has drawn our attention to the Judgment of the Ernakulam Bench in O.A.No.171/89 dt. 18.6.1990. The applicants therein were also similarly situated as the applicants herein. The OA 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 RTP worker and a Casual Labourer granting Productivity Linked Bonus. It was further held in that OA that RTP candidates like Casual Labourer are entitled to Productivity Linked Bonus if they put in 240 days of service each year ending 31st March amount years or more. It was further held in that OA that the heir average monthly emoluments determined by the total emoluments for each accounting year of 12



(92)

and subject to other conditions prescribed from time to time.

5. Similar order was also passed by this Tribunal in O.A.No.611/94 dt. 31.5.1994, and 869/94 dt. 27.7.1994 wherein the applicants were similarly placed to that of ^{here} applicants in O.A.No.171/89. As the applicants are in the same situation as applicants in O.A.No.171/89 decided by the Ernakulam Bench and in O.A.No.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.*

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. 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.

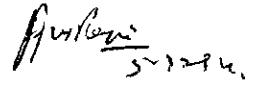


Member (Admn.)



Vice Chairman

Dated 25th November, 1994.


5-12-94

Grh.

To

1. The Sr. Superintendent of Post Offices,
Hyderabad City Division, Hyderabad
General, Andhra Circle, Hyderabad-1.
3. The Director General (Postal), New Delhi.
4. One copy to Mr. N. Saida Rao, Advocate, CAT.Hyd. 15 H, G.P.R.A.Qtr, Gachibowli Hyd.
5. One copy to Mr. N.R. Devraj, Sr.CGSC.CAT.Hyd.
7. One copy to Library, CAT. Hyd.
pvm

O A 1423/94

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CHECKED BY

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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: 25- 11-1994

ORDER/JUDGEMTN:

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

in

O.A.No.

1423/94

T.A.No.

(w.p.)

Admitted and Interim directions issued.

Allowed.

Disposed of with directions. *No paper copy*

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

DVM

