

(90)

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. Elizebeth 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.Leelavathi 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 |

.. Respondents.

Hyderabad City Division, Hyderabad.

2. The Post Master General,

3. The Director General (Postal),
New Delhi.

.. Respondents.

Counsel for the Applicants : Mr. N.Saida 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 JUSTICE

O.A.No.1423/94.

Date:25.11.1994

J U D G M E N T

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. [redacted] trained Pool/ Short Duty Postal Assistants having applied for the said posts in pursuance of the advertisements bearing [redacted] issued by the Director of Postal Services, A.P.Northern Region, Hyderabad, in the year 1981-1982. [redacted] 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, [redacted] Memo No. BII/Rectt/ [redacted] 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 [redacted] productivity Linked Bonus at the rates applicable to the regular Postal Assistants for the period they worked as [redacted] to pay arrears of bonus to which the applicants are eligible immediately.

...3/-

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.

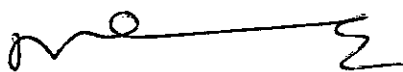
4. ~~Get N.S. Id. Rao learned counsel for the applicants~~ has drawn our attention to the Judgment of the Ernakulam Bench in O.A.No.171/89 dt. 18.6.1990. The applicants therein were also similarly situated as the applicants herein. The OA No.171/89 on the file of Ernakulam Bench was decided based on 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 in 240 days of service each year ending 31st March or more. It was further held in that O.A. that the average monthly emoluments determined by dividing the total emoluments for each accounting year of their liability by 12

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 applicants in O.A.No.171/89. As the applicants ^{here} 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 aforesaid 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.

Grh.

To

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

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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/JUDGEMENT:

~~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.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

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*Copy to the Hon'ble Central Secy
for the Andhra Pradesh*

Central Administrative Tribunal
DESPATCH
- 5 DEC 1994
HYDERABAD BENCH.