

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD.

OA.1456/94

decided on : 7-12-94

Between

G. Shankar Goud

: Applicant

and

1. The Supdt. of Post Offices  
Adilabad Division  
Adilabad 504001

2. The Post Master General  
Northern Region  
O/b Dak Sadan, Abids  
Hyderabad

3. The Director General  
Sansad Marg, New Delhi -1

: respondents

Counsel for the applicant

: Krishna Devan  
Advocate

Counsel for the respondents

: N.R. Devaraj,  
SC for Central Government

CORAM :

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

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J U D G M E N T

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

Heard Sri Krishna Devan, learned counsel for the applicant and Sri K. Bhaskara Rao, <sup>learned</sup> counsel for respondents.

2. In this application dt. 23.11.1994 filed under sec.19 of the Administrative Tribunals Act, 1985, the applicant who is a Short Duty Clerk (S.D.C.) Reserved Trained Pool Postal Assistant (RTPPA) of Adilabad Division, prayed for a declaration that he is entitled for the grant of productivity linked bonus applicable to the regular Postal Assistants between the period from 5.1.1982 to 20.7.1987 and for a further direction to pay the arrears of bonus to which the applicant is eligible within 3 months from the date of receipt of this order.

3. The applicant herein joined as (S.D.C.)/RTPPA on 5.1.1982 and he served in that capacity till 20.7.1987. He stated that he was selected after a tough competition and has performed quantitatively and qualitatively the same work as that of regular postal Assistants whenever he was engaged. intermittently against vacancies of regular Postal Assistants. By denying him the benefit of productivity linked bonus during the period from 1982 to 1987 when he worked as R.T.P.P.A. allowed by the D.G., Department of Posts dt. 5.10.1988, he has been subjected to hostile discrimination in violation of Articles 14 & 16 of the Constitution. Hence, this OA has been filed with the above prayer.

4. Sri Krishna Devan, learned counsel for the applicant has drawn our attention to a Judgment of the Ernakulam Bench in O.A.No.171/89 dt. 18.6.1990. The applicants therein were

To

1. The Superintendent of Post Offices,  
Adilabad Division, Adilabad-1.
2. The Postmaster General, Northern Region,  
O/o Dak Sadan, Abids, Hyderabad.
3. The Director General,  
Dept. of Posts, Dak Bhavan, Sansad Marg,  
New Delhi-1.
4. One copy to Mr. Krishna Devan, ~~Ad. Secy.~~  
~~CC M. N. R. Devraj~~, Sr. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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also similarly situated as the applicant herein. The O.A.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 ration in that judgment was that no distinction ~~may be made~~ 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 3 years or more. It is 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 ----- subject to other conditions prescribed from time to time.

5. Similar order was also passed by this Tribunal in O.A.No.458/94 dt. 28.4.1994 where the applicants were similarly placed to that of the applicants in O.A.No.171/89. As the ----- is in the same situation as the applicants in O.A.No.171/89 decided by the Ernakulam Bench and in O.A.No. 458/94 of this Bench, we see no reason in not extending the same benefit to the applicant in this OA also. Learned counsel for the respondents also fairly submitted that this case is covered by judgments quoted above.

6. In the result and accordingly in the direction to the respondents to grant to the applicant the same benefit as granted by the Ernakulam Bench and this direction should be complied within a period of 3 months from the date of communication of this order.


7. The OA is ordered accordingly. No costs./

  
(R. Rangarajan)  
Member (Admn.)

  
(V. Neeladri Rao)  
Vice Chairman

Dated 7<sup>th</sup> December, 1994.

Grh.

  
Deputy Registrar  
24/12/94

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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(AIN)

DATED: 7-12-1994

~~ORDER~~ JUDGEMENT:

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

O.A.No.

1456/94

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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