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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.1542/94

decided on : 20-12-94

Between

D. Mahender : Applicant

and

1. The Chief Post Master General  
Adilabad Division  
Adilabad 504001

2. The CPMG, AP Circle  
O/o Dak Sadan

3. The Director General  
Dept. of Posts  
Dak Bhavan  
Parliament Street  
New Delhi 110001 : Respondents

Counsel for the applicant : Krishna Devan, Advocate

Counsel for the Respondents: Kota Bhaskar Rao, SC for Central  
Government

CORAM

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

PLA

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

J U D G E M E N T

Heard Shri Krishna Devan, learned counsel for the applicant and also Shri Kota Bhaskar Rao, learned counsel for the Respondents.

2. In this application dated 16-12-94 filed under Section 19 of the A.T Act, 1985, the applicant who is a Reserved Trained Pool Postal Assistant in ~~Amontapur~~ division for declaration that the ~~-----~~ is entitled for productivity linked bonus at the rates applicable to ~~-----~~ Assistants between period from 22-12-81 to 19-8-89 and for further direction to pay the arrears of bonus within 3 months from the date of receipt of this order.

3. The applicant herein joined as RTP PA on 22-12-81 and served in that capacity till 19-1-89. He was appointed as regular Postal Assistant with effect from 20-1-89. It was stated that he was selected in a tough competition. The duties quantitatively and qualitatively, the work as that of regular Postal Assistants whenever he was engaged intermittently against the vacancies of regular Postal Assistants. By denying him the benefit of productivity linked bonus during the period from 1982 to 1988 when he worked as R.T.P.P.A allowed by the D.G. Department of Posts by letter dated 5-10-1988, he has been subjected to discrimination in violation of articles 14& 16 of the Constitution. Hence this OA is filed with the above prayer.

-/-.....

D. J. D.

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4. Attention was drawn to the judgement of the Ernakulam Bench in OA 171/89 dt.18-6-90. 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 O.A. No. 612/89 on the file of the same Bench. The ratio<sup>in</sup> in that judgement was that no distinction can be made between an R.T.P. and a casual labourer in granting productivity linked bonus. It was further held in that OA that R.T.P. candidates like casual labourers are ~~in~~ <sup>as they</sup> 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 ~~an~~ amount of productivity linked bonus ~~is~~ emoluments determined by dividing the total emoluments for each accounting year of eligibility by 12 time to time.

5. Similar order was also passed by this Tribunal in O.A. No. 458/94 dated 28-4-94 where the applicants O.A. No. 171/89. As the applicant herein is in the same situation as 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 O.A. also.

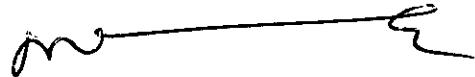
6. In the result, this application is allowed with a direction to the respondents to grant to the applicant the same benefit as granted by the Ernakulam Bench and this Bench of the Tribunal in the aforesaid cases. The above direction should be complied within a period of 3 months from the date of communication of this order.

ABJRW

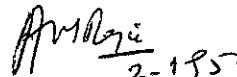
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7. The OA is ordered accordingly at the admission stage itself. No costs.

  
(R. RANGARAJAN)  
Member (Admn.)

Dated the 20th December, 1994  
Open court dictation

  
2-1995  
NS Deputy Registrar (J)CC

To

1. The Chief Postmaster General,  
Adilabad Division, Adilabad-1.
2. The CPMG, A.P.Circle  
O/o Dak Sadan, Abids, Hyderabad.
3. The Director General, Dept.of Posts,  
Dak Bhavan, Parliament Street, New Delhi-1.
4. One copy to Mr.Krishna Devan, Advocate, CAT.Hyd.
5. One copy to Mr.K.Bhaskar Rao, Addl.CGSC. CAT.Hyd.
7. One spare copy.

pvm

  
21/12/95

TYPED 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: 20-12-1994

ORDER/JUDGEMTN:

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

in

..... 1547194

T.A.No.

(w.p.)

Admitted and Interim directions  
issued.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

no spare copy

Dismissed for default.

Ordered/Rejected

PVM

