

(15)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1569/94.

Dt. of Decision : 30.12.1994.

D. Peeraji

.. Applicant.

v=

1. The Supdt. of Post Offices,
Adilabad Division,
Adilabad-504 001.
2. The Chief Postmaster General,
A.P.Circle, O/o Dak Sadan,
Abids, Hyderabad.
3. The Director General,
Dept. of Posts, Dak Bhavan,
Parliament Street,
New Delhi - 1.

.. Respondents.

Counsel for the Applicant : Mr. Krishna Devan,

Counsel for the Respondents : Mr. V.Bhimanna, Addl.CGSC

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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OA 1569/94.

JUDGMENT

Dt:30.12.94

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

Heard Shri Krishna Devan, learned counsel for the applicant and Shri V.Bhimanna, ~~XXXXXXXXXX~~ learned standing counsel for the respondents.

2. In this OA dated 21.12.1994 filed under Section 19 of the Admve. Tribunal Act, 1985, the applicant herein had joined as Reserved Trained Pool/Short Duty Postal Assistant in the year 1981. Later on, he was absorbed during the year 1987. Since then he is working as Postal Assistant at Head Post Office, Adilabad. He prays for a declaration that he is entitled for grant of Productivity Linked Bonus at the rates applicable to the regular Postal Assistants for the period he worked as RTP/SDPA and for a further direction to pay arrears of bonus to which he is eligible.

3. The applicant herein was absorbed after he had worked as RTP/SDPA in the respondents organisation. It is stated that he was selected after tough competition and performed his duties quantitatively and qualitatively the work as that of regular Postal Assistants whenever he was engaged intermittently against the vacancy of regular Postal Assistant. By denying him the benefit of

contd....

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P. J. V.

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Productivity Linked Bonus for the period he had served as RTP/SDPA, allowed by the D.G., Department of Posts by letter dated 5.10.1988, he had been subjected to hostile discrimination in violation of A_rt. 14 and 16 of the Constitution. Hence, this OA has been filed with the above prayer.

4. Shri Krishna Devan, learned counsel for the applicant 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 applicant 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 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.27.7.94 wherein the applicants were similarly placed to that of the applicants in OA 171/89.


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As the applicant herein is 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 applicant in ~~this~~ this OA also.

6. In the result, the OA is allowed with a direction to the respondents to grant the applicant the same benefit as granted by Ernakulam Bench and this Bench of the Tribunal in the aforesaid cases as quoted in para-5 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

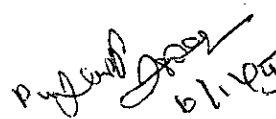
DATED: 30th December, 1994.
Open court dictation.


Deputy Registrar (J) CC

To vsn

1. The Supdt. of Post Offices, Adilabad Division, Adilabad-1.
2. The Chief Postmaster General, 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. V. Bhimanna, Addl. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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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(AEEN)

DATED: 30-12-1994

ORDER/JUDGMENT:

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

in

O.A.No.

T.A.No.

1569/94
(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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Central Administrative Tribunal
DESPATCH

12 JAN 1995

HYDERABAD BENCH.