

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 1056/94.

Dt. of Decision : 30-9-94.

Mr. N. Ramachodaswara Rao

.. Applicant.

1. The Supdt. of Post Offices,
Chennai (A.P).
2. The Supdt. of Post Offices,
Karimnagar Dn. (A.P).
3. The Post Master General,
Vijayawada.
4. The Director General,
Dept. of Posts, Dak Bhavan,
New Delhi - 1.

.. Respondents.

Counsel for the Applicant : Mr. Krishna Devan,

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 R. RANGARAJAN : MEMBER (ADMN.)

No.1056/94.

Date: 30-9-1994.

J U D G M E N T

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

Heard Sri Krishna Devan, learned counsel for the applicant and Sri N.R.Devaraj, learned Standing Counsel for Respondents.

2. In this application dt. 22.8.1994 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 of Karimnagar 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 18.12.1981 to 4.7.1990 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.) R.T.P.P.A. on 18.12.1981 and he served in that capacity till 4.7.1990. 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 for the period from 1981 to 1990 when he worked as R.T.P.P.A. as 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 is filed with the above prayer.

To

1955, Khammam (A.P.)

1. The Superintendent of Post Offices,
Karimnagar Division. A.P.,
3. The Postmaster General, Vijayawada.
4. The Director General, Dept. of Posts. ...
Dak Bhavan, ...
Copy to Mr. Krishna Devan, Advocate, CAT. Hyd.
6. One copy to Mr. N.R. Devraj, Sr. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

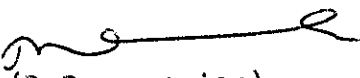
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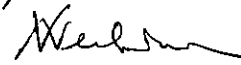
4. Sri Krishna Devan, learned counsel for the applicant has drawn our attention to a Judgment of the Ernakulam Bench in O.A.No.171/89 dt. 18.6.1990. The applicants therein were also similarly situated as the applicant herein. The O.A.No. 171/89 on the file of Ernakulam Bench was decided based on the decision in O.A.No.612/89 on the file of the same Bench. The ratio in that judgment was that no distinction can be made between an R.T.P. worker and a Casual Labourer in granting productivity linked bonus. It is further held in that OA that R.T.P. 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 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 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 applicant herein 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.

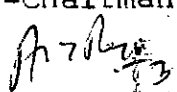
6. In the result this application is allowed with a direction to the respondents to grant to the applicant the same benefit as granted by the Ernakulam Bench and this Bench of the Tribunal in the aforesaid cases. The above direction should be complied within a period of 3 months from the date of communication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

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


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice-Chairman

Dated 30th Sep., 1994.


Deputy Registrar

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COMPARED BY

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(ADM)

DATE: 30-9-1994

~~ORDER/DECISION~~

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

C.A.No.

in

1056/94

(T.A.No.

(W.P.No

)

Admitted and Interim directions
Issued.

Allowed.

NO SPARE COPY

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

pvm

