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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. 395/94

Dt. of Decision : 6.4.94

- | | |
|-----------------------|-----------------------|
| 1. M. Ganesh Babu | 15. B. Nageswara Rao |
| 2. J. Jayaraj | 16. S.V.R. Mohana Rao |
| 3. T. Bernard | 17. B. Vinay Kumar |
| 4. V.V.S.Prasada Raju | 18. S. Babu Rao |
| 5. P.Sita Rama Raju | 19. S. Vijayalakshmi |
| 6. MD.Vazeer | 20. M. Narayana |
| 7. M.L.Narayana | 21. S. Pratap Yadav |
| 8. MD.Umar | 22. V.E.P.Jayasekhar |
| 9. K.V.R.Murthy | 23. B. Subramanayam |
| 10. P.S.Prakasa Rao | 24. T. Narasinga Rao |
| 11. S.M.M.Basha | 25. A. Rajeswari |
| 12. K.Vijayalakshmi | |
| 13. P.B.Arunadevi | |
| 14. K. Appalaraju | .. Applicants |

Vs

- | | |
|---|-----------------|
| 1. The Chief Inspector of Naval Armament,
Naval Armament Inspectorate,
Naval Armament Depo,
Visakhapatnam. | |
| 2. Controller,
controllorate of Naval Armament
Inspection, Kanghanbagh,
Hyderabad - 58. | .. Respondents. |

Counsel for the Applicants : Mr. K. Sudhakar Reddy

Counsel for the Respondents : Mr. N.R.Devaraj, Sr.CGSC

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELABRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

O.A.No.395/94.

Date: 6.4.1994.

J U D G M E N T

(35)
[As per Hon'ble Sri R. Rangarajan, Member (Administrative)]

Heard Sri K.Sudhakar Reddy, Learned counsel for the applicants and Sri N.R.Devaraj, learned Standing Counsel for respondents.

2. The applicants numbering 25 in this OA are working in Naval Armament Inspectorate, Visakapatnam. Government of India extended the Productivity Linked Bonus to the eligible categories of civilian employees in the various units in the Department of Defence referred to in Ministry of Defence Letter No.24(1)80/D(JCM) dt. 25.8.1980. The said letter does not refer to the Naval Armament Inspectorate. Shri Chellappan of the Naval Armament Inspectorate, Always filed O.P.No.7520/85 on the file of the Kerala High Court praying for Productivity Linked Bonus, which was transferred to Madras Bench of the Central Administrative Tribunal and registered as T.A. K-663/87. The said T.A. was disposed of by the Madras Bench of the Tribunal by order dt. 28.1.1988 directing the respondents to give effect to the Productivity Linked Bonus Scheme for the Inspectorate of Naval Armament Always, instead of adhoc bonus and settle the claim as regards the payment of bonus to the applicant therein within three months from the date of receipt of the order.

3. Another O.A.No.1013/90 was filed on 18.12.1990 in this Tribunal praying for the benefits of Productivity Linked Bonus for the applicants therein also from the financial year 1979-80. That OA was disposed of by this Tribunal by its Judgment dt. 9.11.1993. The relevant

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portion of the order reads as under:-

"Sri K.Sudhakar Reddy, learned counsel who argued for the applicants contended that the productivity linked bonus had to be given to the applicants herein with effect from the date on which Shri Chellappan was given as per the orders of the Madras Bench of C.A.T., in T.A.No.K-663/87, add in support of this contention his attention to the decision in ATR 1988(2) CAT 518 (A.K.Khanna and others Vs. Union of India and others) of the Principal Bench, CAT, New Delhi. It is stated for the respondents that the SLP filed against the order in T.A. K-663/87 was dismissed. Even the Government had chosen to sanction the Productivity Linked Bonus to the Civilians in Naval Armament Inspectorate with effect from the accounting year 1991-92. It thus indicates that there are no valid grounds to deny the productivity linked bonus to the civilians in the Naval Armament Inspectorate. In fact, many of the Civilians in the Naval Armament Inspectorate, Visakapatnam submitted representations as early as in 1980 praying for productivity linked bonus. When there are no valid grounds for denying the benefits to the civilians in the Naval Armament Inspectorate and when one of the Benches of this Tribunal directed for payment of the same to one of the employees in the Naval Armament Inspectorate, Allways, we feel that in view of the order of the Principal Bench, CAT, New Delhi reported in ATR 1988(2) CAT 518 cited supra, the benefit should be extended to the applicants herein also as they are similarly situated, from the accounting year from which Shri Chellappan was given in pursuance of the order of the Madras Bench of the CAT in TA K-663/87."

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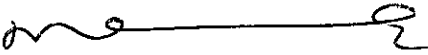
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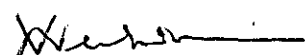
4. The prayer of the applicants in this O.A. is also for a direction to the respondents authorities herein to pay the difference in the Productivity Linked Bonus and the ex-gratia bonus from the accounting year from which Shri Chellappan was given till the accounting year 1990-91 as per the Judgment in O.A.No.1013/90 and O.A.No.588/91 dt. 9.11.1993 with interest.

5. We see no reason to differ from the Judgment of this Tribunal in O.A.Nos.1013/90 and O.A.No.588/91 dt. 9.11.1993, as the applicants herein also are similarly situated as the applicants in the above mentioned O.As.

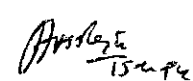
6. Accordingly, the respondents are directed to pay the difference in the Productivity Linked Bonus and the ex-gratia bonus to the applicants herein also from the accounting year from which Shri Chellappan was given till the accounting year 1991. The time for compliance is four months from the date of receipt of this order.

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


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice-Chairman

Dated 6 April, 1994.

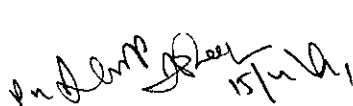

Deputy Registrar(J)CC

Grh.

To

1. The Chief Inspector of Naval Armament,
Naval Armament Inspectorate, Naval Armament Depo, Visakhapatnam
2. The Controller, Controllerate of Naval Armament
Inspection, Kanchanbagh, Hyderabad-58.
3. One copy to Mr. K. Sudhakar Reddy, Advocate, CAT. Hyd.
4. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.

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15/4/94

TYPED BY

COMPARED BY

CHECKED 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. A. B. GORTHY : MEMBER (AD)

AND

THE HON'BLE MR. P. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

Dated: 6-6-1994

ORDER/JUDGMENT

M.A./R.A./C.A./No. 2

in

O.A.No. 395/94.

T.A.No. (w.p.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

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