

16

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 674/94.

Dt. of Decision. : 15.6.94.

Mr. M. Sai Prasad

.. Applicant

Vs

1. The Superintendent of Post Offices,
Hindupur Division.

2. The Post Master General, A.P.,
Southern Region, Kurnool-5.

.. 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. NEE LADKI RAO : VICE CHAIRMAN

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

..2

JUDGMENT

I 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.7.6.1994 filed under sec.19 of the Administrative Tribunals Act, 1985, the applicant who is a Reserved Trained Pool Postal Assistant (R.T.P.P.A.) (S.D.C.) in Hindupur Division, prayed for a declaration that he is entitled for grant of productivity linked bonus at the rates applicable to regular Postal Assistants between the period from 18.7.1983 to 21.11.1988 and for a further direction to pay the arrears of bonus to which the applicant is entitled under the said order.

(S.D.C.)
3. The applicant herein joined as R.T.P.P.A./on 18.7.1983 and served in that capacity till 21.11.1988. He states that he was selected after tough competition and performed the duties quantitatively and qualitatively the same 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 1983 to 1988 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 O.A. has been filed with the above prayer.

To

1. The Superintendent of Post Offices, Hindupur Division.
2. The Postmaster General, A.P. Southern Region, Kurnool-5.
3. One copy to Mr. Krishna Devan, 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.

pvm

Dharmendra
1981

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 was further held in that O.A. 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. 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 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. 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

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

No costs.

(R. Rangarajan)
Member (Admn.)

V. Neeladri Rao
(V. Neeladri Rao)
Vice Chairman

Dated 15 June, 1994.

Grh.

Deputy Registrar (T)
Deputy Registrar (T)

TEMED 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. G. RTHI : MEMBER(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER(A)

Dated: 15-6-1994.

ORDER/JUDGMENT:

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

in

O.A.No.

674/94

T.A.No.

(W.P.)

Admitted and listed.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

pvm

