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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.NO.66/95

Date of Judgment: 20.1.1995

BETWEEN:

1. D.Phanirao
2. PVB Sastry
3. V.Vijaya Kumar
4. C.Yesuratnam
5. D.Ramachandra Reddy
6. S.Srinivasa Rao ..

Applicants

AND

1. Union of India represented by
the Director General, Posts,
Ministry of Communications,
Dept. of Posts,
New Delhi-110001.
2. The Postmaster General,
A.P.Southern Region,
Kurnool - 518 005.
3. The Superintendent,
Railway Mail Service,
'AG' Division,
Guntakal-515801. ..

Respondents

COUNSEL FOR THE APPLICANT: SHRI BSA SATYANARAYANA

COUNSEL FOR THE RESPONDENTS: SHRI KOTA BHASKAR RAO
Addl. CGSC

CORAM:

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

contd....

Date: 20 -1-1995.

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O.A. No. 66/1995

JUDGEMENT

1. As per the Hon'ble Sri R. Rangarajan, Member (A)

Heard Sri B.S.A. Satyanarayana, learned counsel for the applicants and Sri Kota Bhaskar Rao, learned counsel for the respondents.

2. In this application dated 11.1.1995 filed U/s 19 of the A.T. Act, 1985, the applicants who are the Short Duty Sorting Assistants (SDSAs)/Reserved Trained Pool Sorting Assistants (R.T.P.S.As.) of A.G. Division, Guntakal prayed for an order directing the concerned authority to grant of Productivity Linked Bonus at the rates applicable to the regular Postal/Sorting Assistants between the period from March 1981 to January, 1990 and for a further direction to pay the arrears of bonus to which the applicants are eligible within 3 months from the date of receipt of this order.

3. The details such as joining of duty as Short Duty Sorting Assistants and their regularisation as SA/PA are as under:

Sl. No.	Name of the applicant S/Sri	Date of joining as SD/RTP	Regularisa- tion as PA/SA
1.	D. Phani Raj	18.11.1982	19.11.1989
2.	P.V.B. Sastry	18.11.1982	28.11.1989
3.	V. Vijaya Kumar	18.11.1982	2.1.1990
4.	B. Babu Prasad	18.11.1982	19.12.1988
5.	C. Yesuratnam	11.3.1981	27.1.1989
6.	S. Sreenivasa Rao	28.3.1988	24.11.1989
7.	D. Ramachandra Reddy	18.11.1982	6.6.1988

They stated that they were selected after qualifying in the examination prescribed for it and performed qualitatively and quantitatively the same work as that of regular Sorting Assistants whenever they were engaged intermittently against the vacancies of regular Sorting Assistants. By denying them the benefit of Productivity Linked bonus during the periods mentioned supra when they worked as RTPSA, allowed by the D.G., Dept. of Posts letter dt.5.10.1988, they have been subjected to hostile discrimination in violation of Art. 14 and 16 of the Constitution. Hence, this OA has been filed with the above prayer.

4. The OA No.171/89, dt.18.6.90 on the file of Ernakulam Bench was decided on the basis of the decision in OA No.612/89 on the file of the same Bench. The ratio in that judgement 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 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 3 years or more. It is 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 orders were also passed by this Tribunal in OA.458/94, dt.28.4.94 where the applicants are similarly situated to that of the applicants in OA.171/89 of the

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Ernakulam Bench. Similar orders were also passed by this Tribunal in OA No.484/94, dt.28.4.94 and OA No.611/94, dt.31.5.94 and in OA 1423/94, dt.25.11.94 of this Bench where the applicants are similarly placed to that of the applicants in OA.No.171/89. As the applicants herein are in the same situation as the applicants in OA 171/89 decided by the Ernakulam Bench, and in OA Nos.458/94, 611/94 and 1423/94 of this Bench, we see no reason in not extending the same benefit to the applicants in this OA also. Learned ----- submitted that this case is covered by judgements quoted above.

6. In the result, this application is allowed with a direction to the respondents to grant to the applicants the same benefit as granted by the Ernakulam Bench and this Bench of the Tribunal in the aforesaid cases quoted in Para 5 above. 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.

me

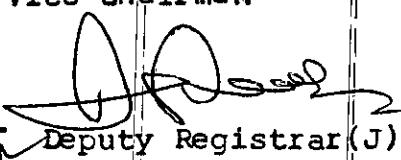
(R. Rangarajan)
Member (A)

me

(V. Neeladri Rao)
Vice Chairman

Dated

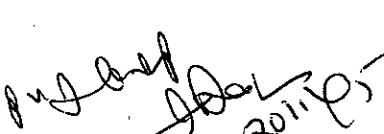
20/1/95


Deputy Registrar (J)CC

To

1. The Director General, Posts,
Ministry of Communications, Dept.of Posts, U.O.I. New Delhi.
2. The Postmaster General, A.P.Southern Region,
kmv Kurnool-5.
3. The Superintendent, Railway Mail Service,
'AG' Division, Guntakal-801.
4. One copy to Mr.B.S.A.Satyanarayana, Advocate, CAT.Hyd.
5. One copy to Mr.K.Bhaskar Rao, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm


20/1/95

C.C. by 25/1/95

TYPED BY

20/1/95 CHECKED BY

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(ABIN)

DATED: 20- | -1994

ORDER/JUDGEMTN:

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

in

O.A.No.

66/95

T.A.No.

(w.p.)

Admitted and Interim directions issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

no appeal

No order as to costs.

DVM

20/1/95

