

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH  
HYDERABAD

D.A. NO. 773/95

Between:

Date of Order: 5.7.95.

1. K.Srinivasa Rao
2. M.Padmavathi
3. S.Masood Alam
4. S.Prabhakar
5. V.Shragan Kumar
6. M.A.Khuddus
7. G.Shoorulu
8. G.Sambaiah
9. J.Somi Reddy
10. B.M.Narasimha Rao
11. B.Venkataratnam
12. B.Yadagiri

...Applicants.

And

1. The Superintendent of Post Offices,  
Nalgonda Division, Nalgonda.
2. Union of India, represented by its  
Secretary, Dept. of Posts, New Delhi.
3. The Chief Post Master General, A.P.Circle,  
Hyderabad.
4. The Post Master General, Hyderabad Region,  
Hyderabad.

...Respondents.

Counsel for the Applicants : Mr.K.Venkateswar Rao

Counsel for the Respondents : Mr.K.Ramulu, CGSC.

CORAM:

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

contd....

(13)

O.A.No.773/95.

Date: 5-7-95

JUDGMENT

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

Heard Sri K.Venkateswara Rao, learned counsel for the applicants and Sri K. Ramulu, learned Standing Counsel for the respondents.

2. In this application dt. 19.6.1995 filed U/s.19 of the Administrative Tribunals Act, 1985, the applicants numbering 12 who had worked as Reserve=Trained Pool Postal Assistants/ Short Duty Postal Assistants in Nalgonda Division, A.P. prayed for a declaration that they are entitled for the grant of Productivity Linked Bonus at the rates applicable to the regular Postal Assistants for the period they worked as R.T.P.P.As. and for a further direction to pay the arrears of bonus to which they are eligible.

3. The applicants herein had joined as Reserve Trained Pool/Short Duty Postal Assistants during the years 1981 and 1983 and performed the duties as such till they were regularised as Postal Assistants as per the details furnished in Annexure-I filed along with the O.A. The details as to their date of joining as RTP/STD PAs, period of their engagement as RTPPAs, date of regularisation in respect of each applicant is furnished in Annexure-I filed with the O.A. It is stated for the applicants that they were selected after qualifying in the examination prescribed for it and performed qualitatively and quantitatively, the same work as that of regular Postal Assistants whenever they were engaged intermittently against the vacancies of regular Postal Assistants. By denying them the

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benefit of productivity linked bonus during the periods when they worked as RTP/STD PAS, allowed by the D.G., Department of Posts letter dt. 5.10.1988, they have been subjected to hostile discrimination in violation of Articles 14 & 16 of the Constitution. Hence, this OA has been filed with the above prayer.

4. The OA No.171/89 dt. 18.6.1990 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 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 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. 28.4.1994 where the applicants are similarly situated to that of the applicants in OA 171/89 of the Ernakulam Bench. Similar orders were also passed by this Tribunal in OA No.458/94 dt. 28.4.1994 and OA No.611/94 dt. 31.5.1994 and in OA 1423/94 dt. 25.11.1994 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 No.171/89 decided by 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

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 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.

*at the administration itself*

7. The OA is ordered accordingly. No costs.

*R. Rangarajan*  
(R. Rangarajan)  
Member (Admn.)

Dated 5<sup>th</sup> July, 1995.

Grh.

*Anil*  
DEPUTY REGISTRAR (J)

To

1. The Superintendent of Post Offices,  
Nalgonda Division, Nalgonda.
2. The Secretary, Dept. of Posts, New Delhi.
3. The Chief Post Master General, A.P. Circle,  
Hyderabad.
4. The Post Master General, Hyderabad Region,  
Hyderabad.
5. One copy to Mr. K. Venkateswar Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr. K. Ramulu, CGSC, CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One spare copy.

YLKR

*C.C. Friday*

TYPED BY  
CHECKED BY

COMPARED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

THE HON'BLE SHRI A.V.HARIKASAN: MEMBER

AND

*R.Rangaswamy*  
THE HON'BLE SHRI A.B.GORTHI: MEMBER

DATED 5-7-95

ORDER/JUDGMENT

M.A.NO/R.P.NO./C.P.NO.

in

O.A.NO. 773/95

Admitted and Interim directions issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered.

No order as to costs.

YLKR

