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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. No. 123/95.

Dt. of Decision : 2-2-95.

V. Raju

.. Applicant.

1. The Supdt. of Railway Mail Service, A.G. Division,
2. The Post Master General, A.P. Southern Region, Ashoknagar, Kurnool-5.
3. The Director General, Dept. of Posts, Dak Bhavan, Sansad Marg, New Delhi.

.. 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.)

PJW

(14)

O.A.No.123/95

Dt.of decision: 2-2-1995.

JUDGEMENT

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

Heard Sri Krishna Devan, learned counsel for the applicant and Sri N.R.Devaraj, learned counsel for the respondents

2. In this O.A. dt.20-1-95 filed U/s 19 of the A.T. Act, 1985, the applicant herein had joined as Reserved Trained Pool/Short Duty Postal Assistant in the year 1981. Later on the applicant was absorbed during the year 1988 as Sorting Assistant in the Foreign Mail Wing, Bombay. He prayed for a declaration that he is entitled for grant of Productivity Linked Bonus at the rates applicable to the regular Postal Asst. for the period he worked as RTP/SDSA and for a further direction to pay arrears of bonus to which the applicant is eligible.

3. The applicant herein was absorbed after he had worked as RTA/SDSA in the respondents organisation. It is stated that he was selected after tough competition and performed his duties quantitatively and qualitatively the work as that of regular Postal Asst. whenever he was engaged intermittently against the vacancy of regular Postal/Sorting Assistant. By denying him the benefit of Productivity Linked bonus for the period he had served

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as RTP/SDSA, allowed by the D.G., Dept. of Posts by letter dt. 5.10.88, he had 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. Sri Krishna Devan, learned counsel for the applicant has drawn our attention to the judgement of the Ernakulam Bench in OA 171/89 wherein applicants therein were also similarly situated as the applicant herein. The OA 171/89 on the file of Ernakulam Bench was decided based on the decision in OA 612/89 on the file of the same Bench. The ratio in that judgement 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 P.L. Bonus if they have put in 240 days of service each year ending 31st March for three years or more. It was further held in that OA that amount of P.L. 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.

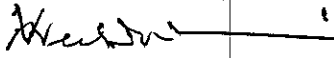
5. Similar order was also passed by this Tribunal in OA 611/94 dt.31.5.94, and 869/94 dt.27.7.94 wherein the applicants were similarly placed to that of the applicants in OA 171/89. As the applicant herein is in the same situation as applicants in OA 171/89 decided by Ernakulam Bench and in OA 611/94, 869/94 and 458/94 of this Bench,

we see no reason in not extending the same benefit to the applicant in this OA also.

6. In the result, this OA is allowed with a direction to the respondents to grant the applicant the same same benefit as granted by Ernakulam Bench and this Bench of the Tribunal in the aforesaid cases as quoted in Para-5 above. The above direction should be completed within a period of three months from the date of communication of this order.

7. The OA is ordered accordingly at the admission stage itself. No costs. /


(R. Rangarajan)


(V. Neeladri Rao)

Dated 2nd February, '95


Deputy Registrar (J)CC

To kmv

1. The Superintendent of Railway Mail Service, A.G.Division, Guntakal. A.P. 801.
2. The Post Master General, A.P.Southern Region, Ashoknagar, Kurnool-5.
3. The Director General, Dept.of Posts, Dak Bhavan, Sansad Marg, New Delhi.
4. One copy to Mr.Krishna Devan, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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By J. Govindarajan
8/2/95

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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 (ADMIN)

DATED: 1-2-1995

~~ORDER~~ JUDGEMTN:

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

in

O.A.No. 123/95.

P.A.No. (w.p.)

Admitted and Interim directions issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

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8/2/95

No spare copy

Dvm

Central Administrative Tribunal
DESPATCH
14 FEB 1995
G. K. S.
HYDERABAD BENCH.