

13

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD  
O.A.NO. 1004 of 1995.

Between

Dated: 15.9.1995.

1. E.K.Annamalai.  
2. E.Naretham Reddy

...

Applicants

And

1. Union of India Rep. by Secretary, Ministry of Communications, Department of Telecommunications, New Delhi.
2. Chief General Manager, Telecommunications A.P.Circle, Deor Sanchar Bhavan, Hyderabad.
3. Telecom District Manager, Chitter District at Tirupathi.

...

Respondents

Counsel for the Applicants

: Sri. B.S.A.Satyamayayana

Counsel for the Respondents

: Sri. N.R.Devaraj, Sr. CGSC.

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:...2/-

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

\*\*\*

Heard Sri B.S.A.Satyanarayana, learned counsel for the applicants and Sri N.R.Devraj, learned standing counsel for the respondents.

2. In this application dated 11.9.95 filed under Section 16 of Administrative Tribunals Act of 1985 the applicants who had worked as Short Duty/RTP Telegraph Assistants under Telecom District Manager, ~~had~~ prayed for a declaration that they are entitled for grant of Productivity Linked Bonus at the rate applicable to a regular Telegraph Assistants for the period they worked as RTP Telegraph Assistants and for a further direction to pay the arrears of bonus to which they are eligible.

(2 innumbr)

3. The applicants herein initially joined as Reserved Trained Pool Telegraph Assistants on 22.5.83 and performed the duties as such till they were regularised on 23.11.86. The details as the date of joining as RTP Telegraph Assistants period of their engagement as RTP Telegraph Assistants, and date of regularisation as Telegraph Assistants are furnished in Annexure A-6 page 13 filed in the OA. It is stated for the applicant that they were selected after necessary selection and training prescribed it and performed ~~the~~ the same work as that of regular Telegraph Assistants whenever they were engaged intermittently against vacancies ~~of~~ of Telegraph Assistants. By denying them the benefit of Productivity Linked Bonus during the period when they worked as RTP Telegraph Assistants allowed by D.G. Department of Posts letter dated 5.10.85 they hav

17

.. 3 ..

been subjected to hostile discrimination in violation of Articles 14 and 15 of the Constitution. Hence this OA has been filed with the above prayer.

4. The OA. 171/89 dt. 18.6.90 on the file of Ernakulam Bench was decided on the basis of 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 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 applicants in OA. 171/89 of the Ernakulam Bench. Similar orders were also passed by this Tribunal in OA. 458/94 dt. 28.4.94 and OA. 611/94 dt. 31.5.94 and in OA. 1423/94 dt. 25.11.94 and OA. 369/95 dt. 24.3.95 of this Bench where the applicants are similarly placed to that of the applicants in OA. 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 and 611/94 and 1423/94 of this Bench, we see no reasons 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 judgements quoted above.

18

.. 4 ..

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 allowed at the admission stage itself. No costs.

one

( R.RANGARAJAN )  
Member (Admn.)

Dated : 15th September, 1995

(Dictated in Open Court)

*Andhra  
21/9/95*  
Deputy Registrar (Judl.)

sd

Copy to:-

1. Secretary, Ministry of Communications, Department of Telecommunications, Union of India, New Delhi.
2. Chief General Manager, Telecommunications, A.P.Circle, Deersanchar Bhavan, Hyderabad.
3. Telecom District Manager, Chitter District at Tirupathi.
4. One copy to Sri. B.S.A.Satyanarayana, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Ram/-

DA/1104/95

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A.P. GORTHI, ADMINISTRATIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT: ✓

DATED: 15/9/1995.

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

O.A.NO.

IN  
1104/95

T.A.NO.

(W.P.NO.)

ADMITTED AND INTERIM DIRECTIONS ISSUED.

ALLOWED. ✓

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

DISMISSED FOR DEFAULT.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

Rsm/-

No Space GPN

7

Central Administrative Tribunal  
DESPATCH

29 SEP 1995. NMF

HYDERABAD BENCH

JW