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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.

O.A.NO.1254 of 1995.

Between

Dated: 20.10.1995.

M.Victoria

...

Applicant

And

1. Union of India rep by its Secretary Ministry of Communications,
Dept of Posts New Delhi.

2. Chief Post Master General, A.P.Circle, Hyderabad.

3. Post Master General, Hyderabad Region, Hyd.

4. Supdt of Post Offices, Adilabad Division, Adilabad.

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Respondents

Counsel for the Applicant : Sri. B.S.A.Satyanaryana

Counsel for the Respondents : Sri. N.R.Devaraj, Sr. CGSC.

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member.

Contd:...2/-

O.A. 1254/95.

Dt. of Decision : 20-10-95.

ORDER

{ As per Hon'ble Shri R. Rangerajan, Member (Admn.) }

Heard Shri B.S.A.Satyenarayana, learned counsel for the applicant and Shri N.R.Devareaj, learned counsel for the respondents.

2. In this application dated 11-10-95 filed under section 19 of the Admn. Tribunals Act, 1985, the applicant who was working as Short Duty Reserve Trained ^{Pool} Postal Assistant (RTP PA for short) at Prathipadu Sub-Post Office under Kakinada Postal Division prays ^{for a direction to} ~~that to direct~~ the respondents No.2,3 and 4 to grant the applicant the benefit of Productivity Linked Bonus as paid to the applicants in OA.410/95 as she is similarly situated. She worked as RTP Postal Assistant at Bellampalli and other places in Adilabad Division as per Annexure A-1 and A-3.

3. The applicant herein joined as a Reserve Trained Pool Postal Assistant during the year 1981 and worked as such from 22-12-1981 to 18-09-1989. She performed the duties as such till she ^{was} regularised as Postal Assistant. It is stated for the applicant that she was selected after qualifying in the examination prescribed for it and performed qualitatively and quantitatively the same work as that of regular Postal Assistant whenever she was engaged intermittently against the vacancies of regular Postal Assistant. By denying her the benefit of Productivity Linked Bonus during the periods when she worked as RTP PA, allowed by the D.G., Department of Posts letter dt. 05-10-1988, she has 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 judgement was that no distinction can be made between an RTP worker and a Casual Labourer in granting Productivity Linked Bonus. It was further heldⁱⁿ 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 a 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.28-4-94 and OA.No.611/94 dated 31-5-94 and in OA.1423/94 dt. 25-11-94 and OA.410/95 dated 29-03-95 of this Bench where the applicants are similarly placed to that of the applicants in OA.No. 171/89. As the applicant herein is in the same situation as the applicants in OA.171/89 decided by the Ernakulam Bench, and in OA.Nos. 458/94, 611/94, 1423/94 and 410/95 of this Bench, I see no reason in not extending the same benefit to the applicant in this OA also. Learned counsel for the respondents also fairly submitted that this case is covered by judgements quoted above.

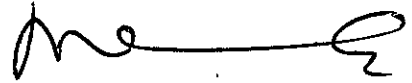
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6. In the result, this application is allowed with a direction to the respondents to grant to the applicant the same benefit as granted by the Ernakulam Bench and this Bench of the Tribunal in the aforesaid cases quoted in para-5 above. The above direction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

7. The OA is ordered accordingly. No costs.



(R. Rangarajan)
Member (Admn.)

Dated : The 20th Oct. 1995.
(Dictated in Open Court)


Deputy Registrar (Judl.)

Copy to:-

- apr 1. The Secretary, Ministry of Communications, Union of India, Department of Posts, New Delhi.
2. Chief Post Master General, A.P.Circle, Hyderabad.
3. Post Master General, Hyderabad Region, Hyderabad.
4. Supdt of Post Offices, Adilabad Division, Adilabad.
5. One copy to Sri. B.S.A.Satyanarayana, advocate, CAT, Hyd.
6. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

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6A-1254/95
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

R. R. Rajan.
HON'BLE MR. ~~A. B. GORTHY~~, ADMINISTRATIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

ORDER/JUDGEMENT:

DATED: *26.10/* 1995.

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

IN

O.A.NO.

1254/95

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/-

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Send a copy to all members Judgment
No Spary Copy

