

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.1261 of 1995.

Between

Dated: 20.10.1995.

1. M.Tirumalarao.
2. M.V.Natarajan.
3. P.Venugopalarao.
4. G.D.Gandhi.
5. M. Saradakumari.
6. T.Veeraiah.
7. V.L.Narayana.
8. Y.Ch. V.Purna nda Rao.
9. B.Moses.
10. A.Khuddus.
11. R.Kamala.
12. G.Srinivasa Rao.
13. M.Yedukondalu.

Applicants

... And

1. The Union of India represented by the Secretary, Department o. Posts, Dak Bhavan, New Delhi.
2. The Chief Post Master General, A.P.Circle, Hyderabad.
3. The Postmaster General, Vijayawada Region, Vijayawada.
4. The Superintendent of Post Offices, Tenali Division, Tenali.
5. The Senior Superintendent of Post Offices, Guntur Division, Guntur.
6. The Senior Superintendent of Post Offices, Secunderabad D. sion, Secunderabad.
7. The Senior Superintendent of Post Offices, Vijayawada R. vijayawada.

... Respondents

Counsel for the Applicants

: Sri. T.V.V.S.Murthy

Counsel for the Respondents

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

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:...2/-

D.A. 1261/95.

Dt. of Decision : 20-10-95.

ORDER

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

Heard Shri TVVS Murthy, learned counsel for the applicants and Shri N.R. Devaraj, learned counsel for the respondents.

2. In this application dated 10-10-1995 filed under section 19 of the Admn. Tribunals Act, 1985, the applicants numbering 13 ~~had~~ had worked as Reserve Trained Pool Postal Assistants (RTP PAs for short). The particulars of their posting of RTP PAs from 1982 to 1990 is enclosed Annexure-A-1 filed along with Page-9 of the OA. They were regularised from various dates as indicated in Annexure-A-1, prayed for a direction to the respondents that they ~~are~~ ^{they} entitled for the grant of Productivity Linked Bonus as paid to the applicants in OA.No. 611/94 as they are similarly situated.

3. The applicants herein joined as Reserve Trained Pool Postal Assistants during the years 1982 & 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 OA. The details as to the date of joining as RTP PAs, period of their engagement as RTP PAs, date of regularisation in respect of each applicant is furnished in Annexure-I filed with the OA. 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 benefits of productivity linked bonus during the periods when they worked as RTP PAs,

allowed by the D.G., Department of Posts letter dt. 5-10-88, 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. 10-06-90 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 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.28-4-94 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 dt. 31-5-94 and in OA.1423/94 dt. 25-11-94 and OA.No.410/95 dt. 29-03-95 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.458/94,611/94,1423/94 and 410/95 of this Bench, I 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 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 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 directions 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.

me

(R. Rangarajan)
Member (Admn.)

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

Arulraj 20/10/95
Deputy Registrar (Judl.)

Copy to:-

1. The Secretary, Department of Posts, Union of India, Dak Bhavan, New Delhi.
2. The Chief Post Master General, A.P.Circle, Hyderabad.
3. The Postmaster General, Vijayawada Region, Vijayawada.
4. The Superintendent of Post Offices, Tenali Division, Tenali.
5. The Senior Superintendent of Post Offices, Guntur Division, Guntur.
6. The Senior Superintendent of Post Offices, Secunderabad Division, Secunderabad.
7. The Senior Superintendent of Post Offices, Vijayawada Division Vijayawada.
8. One copy to Sri. T.V.V.S.Murthy, advocate, CAT, Hyd.
9. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
10. One spare copy.

Rsm/-

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. R. R. Rasan
A. P. GORTHI, ADMINISTRA-
TIVE MEMBER.

HON'BLE MR.

JUDICIAL MEMBER.

DATED: 20/11/1995.

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

O.A. NO.

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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Central Administrative Tribunal
DESPATCH
10 NOV 1995 N.S.P.
HYDERABAD BENCH.