

14

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD.

O.A.NO.1262 of 1995.

Between

Dated: 20.10.1995.

1. S.V.S.Sarma.

2. K.Srinivasa Rao.

... Applicants

And

1. The Union of India represented by the Secretary, Department of Post Dak Bhavan, New Delhi.
2. The Chief Post Master General, A.P.Circle, Hyderabad.
3. The Post Master General, Visakhapatnam Region, Visakhapatnam.
4. The Superintendent of Railway Mail Service, R.M.S.'V' Division, Visakhapatnam.
5. The Superintendent of Post Offices, Rajamundry Division, Rajamundry.
6. The Superintendent of Post Offices, Ankapalle Division, Ankapalle

... Respondents

Counsel for the Applicants

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

Counsel for the Respondents

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

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:.....2/-

O.A. 1262/95.

Dt. of Decision: 20-10-95.

ORDER

¶ As per Hon'ble Shri R. Rengarajan, Member (Admn.) ¶

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

2. In this application dated 10-10-95 filed under section 19 of the Admn. Tribunals Act, 1985, the applicants numbering 2 ~~who~~ had worked as Reserve Trained Pool Sorting Assistant, (RTP SAs for short) in the R.M.S. 'V' Division, at S.R.O. Rajamundry from 04-06-1983, <sup>they</sup> prayed for a direction to the respondents to grant <sup>them</sup> ~~the applicants~~ the benefit of productivity linked bonus as paid to the applicants in O.A. No. 611/94 as they are similarly situated.

No.1

3. The applicant <sup>No.1</sup> herein had joined as Reserve Trained Pool Sorting Assistant during the year 1983 and worked as such from 04-06-1983 to 05-01-1990 and applicant No.2 had joined as Reserve Trained Pool Sorting Assistant during the year 1983 and worked as such from 04-06-1983 to 14-06-1988 as per the details furnished in Annexure-A-1 filed along 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 benefit of Productivity Linked Bonus during the periods when they worked as RTP SAs, allowed by the D.G., Department of Posts letter dt. 05-10-1988,

17

-3-

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. 18-06-1990 on the file of Ornakulam 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. 28-04-94 where the applicants are similarly situated to that of the applicants in OA.171/89 of the Ornakulam Bench. Similar orders were also passed by this Tribunal in OA.No.458/94 dt. 28-04-94 and OA.No.611/94 dt. 31-05-94 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 here are in the same situation as the applicants in OA.171/89 decided by the Ornakulam 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.



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 Ornakulam 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 DA is ordered accordingly. No costs.

  
(R. Rangarajan)  
Member(Admn.)

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

  
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 Post Master General, Visakhapatnam Region, Visakhapatnam.
4. The Superintendent of Railway Mail Service, R.M.S. 'V' Division, Visakhapatnam.
5. The Superintendent of Post Offices, Rajahmundry Division, Rajahmundry.
6. The Superintendent of Post Offices, Ankapalle Division, Ankapalle.
7. One copy to Sri. T.V.V.S.Murthy, advocate, CAT, Hyd.
8. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
9. One copy to Library, CAT, Hyd.
10. One spare copy.

Rsm/-

DA-1262/95

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

*R. R. Rajan*

HON'BLE MR. A.P. 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. 1262/95

~~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.

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Rsm/-

*Copy to Mr. C.A. to be sent along with the order*

*No spare copy*

(10)

Central Administrative Tribunal  
DESPATCH  
10 NOV 1995  
HYDERABAD BENCH