

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 132/95.

Dt. of Decision : 2-2-95.

- | | |
|---------------------------|-------------------|
| 1. Dara Srinath | 13. K.Ramaswamy |
| 2. B.Saranga Babu | 14. M.Raju |
| 3. B.Ramdhan | 15. G.Florence |
| 4. M.A.Hameed | 16. I.Babu Rao |
| 5. R.Venkateswara Rao | 17. T.Sudershan |
| 7. S.Sammaiah | 19. Basheer Miya |
| 8. R.Shyamsundar | 20. M.Touriya |
| 9. D.B.M.Krishna | 21. K.Narayana |
| 10. R.Srinivas | 22. Shaik Hussain |
| 11. M.Satyanarayana Reddy | |
| 12. R.Rajendra Prasad | |

.. Applicants.

Vs

1. Its Secretary,
Dept. of Posts,
New Delhi.
2. Chief PostMaster General,
A.P.Circle, Hyderabad.
3. The Superintendent, RMS'Z'Division,
Hyderabad.

.. Respondents.

Counsel for the Applicants : Mr. B.S.A.Satyanarayana
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.)

O.A.No.132/95

Dt. of decision: 2/2/95

JUDGEMENT

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

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

A.T.Act, 1985, all the 22 applicants herein had joined
as Reserved Trained Pool/Short Duty Postal Assistants
in the year 1982. Later on, all the applicants were
absorbed during the years 1989 and 1990. Since then
all the applicants are working as Postal Assistants
at various offices in RMS 'Z' Division under the Andhra
entitled for grant of Productivity Linked Bonus at the
rates applicable to the regular Postal Assistants for
the period they worked as RTPs/SDPAS and for a further
direction to pray arrears of bonus to which the applicants
are eligible.

3. The applicants herein were absorbed after they had
worked as RTP/SDPAS in the respondents organisation.
It is stated that they were selected after tough compe-
tition and performed their duties quantitatively and
qualitatively the work as that of regular PAS whenever
they were engaged intermittently against the vacancies of
regular Postal Assistants. By denying them the benefit
of productivity linked bonus for the period they had
served as RTP/SDPAS, allowed by the D.G., Dept. of Posts
by letter dt. 5.10.88, they 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 B.S.A. Satyanarayana, learned counsel for the applicants has drawn our attention to the judgement of the Ernakulam bench in OA 171/89, dt. 18.6.90. The applicants therein were also similarly situated as the applicants 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 Productivity Linked 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 O.A. 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.

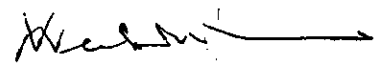
5. Similar order was also passed by this Tribunal in OA 611/94 dt.31.5.94, and 869/94 dt.27.7.94 wherein the applicants were similarly placed to that of the applicants in OA 171/89. As the applicants herein are in the same situation as applicants in OA 171/89 decided by the Ernakulam Bench and in OA 611/94 and 869/94 of this Bench, we see no reason in not extending the same benefit to the applicants in these OAs also.

6. In the result, the O.A. is allowed with a direction to the respondents to grant the applicants the same benefit as granted by Ernakulam Bench and

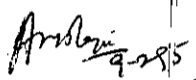
this Bench of the Tribunal in the aforesaid cases as quoted in Para-5 above. The above direction should be completed within a period of three months from the date of communication of this order.

7. The O.A. is ordered accordingly at the admission stage itself. No costs.


(R. Rangarajan)
Member (A)


(V. Neeladri Rao)
Vice Chairman

Dated 2 February, 1995.


Deputy Registrar (J)CC

- To kmv
Dept.of Posts, New Delhi.
2. The Chief Postmaster General,
A.P.Circle, Hyderabad.
 3. The Superintendent, RMS 'Z' Division,
Hyderabad.
 4. One copy to Mr.B.S.A.Satyanarayana, 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.

pvm

8/2/95

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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: 22-1995

ORDER/JUDGMENT:

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

in

O.A.No.

132/95

T.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.

Dvm

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