

(V.L.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 147/95.

Dt. of Decision : 7-2-95.

1. P.S.Madhava Rao
2. S.Revathi
3. P.Hazarathaiah
4. N.Venkata Rao
5. M.Vindyavali
6. K.Krishna Rao
7. Md.Abul Kader
8. K.S.Srinivas
9. J.Ramasubbaiah
10. NV Sudhakar Rao
11. V.Chandrasekhar Rao
12. P.Kondamma
13. Ch.Dhanamma ..
14. M.Ramesh
15. N.Rama Moorthy

.. Applicants.

vs

1. Union of India, rep. by the Secretary, Dept. of Posts, Govt.of India, New Delhi.
2. The Post Master General, Vijayawada.
3. The Sr.Suptd. of Post Offices, Nellore.

.. Respondents.

Counsel for the Applicants : Mr. K. Venkateswara Rao

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.)

JUDGMENT

I as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

Heard Sri K.Venkateshwara Rao, learned counsel for the applicants and Sri N.R.Devaraj, learned Standing Counsel for respondents.

2. In this OA dt. 2-2-1995 filed under sec.19 of the Administrative Tribunals Act, 1985, the applicants numbering 15 herein had joined as Reserved Trained Pool Postal Assistants (R.T.P.P.As.) in March, 1993/Nov., 1993 and subsequently during the year 1989-1990 all the applicants herein were regularised. The details of the date of regularisation as of each applicant as R.T.P.P.A., date of regularisation as Postal Assistant are given in Annexure-I filed along with the O.A. All the applicants are working as Postal Assistants under the control of R-3. They pray for a direction to the respondents to pay the applicants the productivity linked bonus for the period they have worked as RTPPAs.

3. The applicants herein were absorbed after they had worked as RTPPAs in the respondents organisation. It is stated that they were selected after tough competition and performed the duties quantitatively and qualitatively the 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 for the period they had worked as RTPPAs, allowed by the D.G., Department of Posts by letter dt.5.10.1988 they had 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. Sri K.Venkateshwara Rao, learned counsel for the applicants has drawn our attention to the judgment of the Ernakulam Bench in OA 171/89 dt. 18.6.1990. 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 judgment 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 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 order was also passed by this Tribunal in OA 611/94 dt. 31.5.1994 and 869/94 dt. 27.7.1994 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 that of the 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 this OA also.

6. In the result, this OA 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 aforesated cases as quoted in para-5 above. The

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above direction should be completed within a period of three months from the date of communication of this order.

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

(R.Rangarajan)
Member(Admn.)

(V.Neeladri Rao)
Vice-Chairman

Dated 7th February, 1995.

Grh.

Deputy Registrar(J)CC

To

1. The Secretary, Dept.of Posts, Union of India, Govt.of India, New Delhi.
2. The Poest Master General, Vijayawada.
3. The Sr.Superintendent of Post Offices, Nellore.
4. One copy to Mr.K.Venkateswar Rao, 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.

With a Cpy of 0

pvm

P. Rangarajan
1995

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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(ADMN)

DATED: 7-2-1995

ORDER/JUDGEMTN:

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

in

O.A.No. 147/95

T.A.No. (w.p.)

Admitted and Interim directions issued.

Allowed.

Disposed of with directions.

Dismissed. with a copy of of

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

Order in 147/95

No stamp copy

