

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD

OA 158/95.

Dt. of Order: 8-2-95.

1. R. Madhusudhan
2. B. Bhaskar

.. Applicants

Vs.

1. The Superintendent of Post Offices,  
Warangal Division, Warangal.
2. Union of India, represented by the  
Secretary to the Department of Posts,  
New Delhi.
3. The Chief Post Master General,

.. Respondents

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Counsel for the Applicants : Shri K. Venkateswara Rao

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

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CORAM:

THE HON'BLE JUSTICE SHRI V. NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (A)

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.. 2.

No.158/95

Dt. of decision: 8-2-1995.

JUDGEMENT

{ As per Hon'ble Sri R. Rangarajan, Member (A) }

Heard.

2. In this O.A. dated 2-2-95 filed U/s 19 of the A.T.Act, 1985 the applicants herein had joined as RTP Postal Assistants during 1984. Later on, they were regularised during 1990. Since then both the applicants were are working as Postal Assistants under Warangal Post Office. They pray for a declaration Linked Bonus at the rates applicable to the regular Postal Assistants for the period they worked as RTPs and for a further direction to pray arrears of bonus to which they 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 competition and performed their 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 served as RTP/SDPAs, allowed by the D.G., Dept.of Posta 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. K.Venkateshwara Rao, learned counsel for the applicants has drawn our attention to the judgement of 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 on the basis of 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 P.L.bonus. It was further held in that OA that RTP/SDP candidates like Casual Labourers are entitled to P.L. ending 31st March for three years or more. It was further held in that OA that amount of P.L. 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 in~~ in OA 611/94, dt.31.5.94, and OA 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 Ernakulam Bench and in OA 611/94 and 869/94 on the file of this Bench, we see no reason in not extending the same benefit to the applicants in these OAs also.

6. In the result, this OA is allowed with a direction to the respondents to grant the applicants the same

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

*[Signature]*  
( R. Rangarajan )  
Member (A)

*[Signature]*  
( V. Neeladri Rao )  
Vice Chairman

Dt. 8th Feb 95

*[Signature]*  
Deputy Registrar (J) CC

kmv

To

1. The Superintendent of Post Offices, Warangal Division, Warangal.
  2. The Secretary to the Dept. of Posts, Union of India, New Delhi.
  3. The Chief Postmaster General, A.P. Circle, Hyd.
  4. One copy to Mr. K. Venkateswara 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.
- Copy O.A.

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*[Handwritten notes]*  
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APPROVED BY

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: 8 - 2 - 1995

~~ORDER~~ JUDGEMTN:

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

in

O.A.No.

158/95-

T.A.No.

(w.p.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed. with a copy of OA

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

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Central Administrative Tribunal  
DESPATCH  
MAR 1995  
HYDERABAD BENCH

No spare copy