

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

D.A. 215/95.

Dt. of Decision : 22-2-95.

1. M.A.Aleem II
2. Shaik Abdullah
3. G.Sharada
4. D.Sathaiah
5. V.Pamda
6. V.Thirupathi
7. E.Ramesh
8. T.Gopal
9. S.Sahadev
10. S.Varalakshmi
11. Arundhati
12. P.Prabhakar

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vs

1. The Supdt. of Post Offices,
Hanamakonda Division,
Hanamakonda.
2. Union of India, rep. by the
Secretary to the Dept. of Posts,
New Delhi.
3. The Chief Post Master General,
A.P.Circle, Hyderabad.
4. The Sr.Supdt. RMS
Hyderabad.
5. The Sr.Supdt. of Post Offices,
Guntur Division, Guntur.
6. The Sr. Supdt. of Post Offices,
Hyderabad Division, Hyderabad.

.. 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.)

(Signature)
Q.A.No.215/95.

Date: 21/2/95

JUDGMENT

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

Learned Counsel for the applicants and Sri N.R.Devaraj, learned Standing Counsel for the respondents.

2. The applicants numbering 13 herein who had joined as Short Duty/RTP Postal Assistants during the years 1981 to 1990 were all regularised during the period 1988 to 1990

O.A. Since then the applicants were working as Postal/Sorting Assistants under the control of respondents. The present OA dated 10-2-1995 is filed under sec.19 of the A.T.Act, 1985 praying for a declaration that they are entitled for the grant of Productivity Linked Bonus at the rates applicable to the regular Postal Assistants/Sorting Assistants for the period they worked as RTPPA/SDPPA and for a further direction to pay the arrears of bonus to which the applicants are entitled.

3. The applicants herein were regularised after they had worked as SDAs/RTPPAs 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/SDAs whenever they were engaged intermittently against the vacancies of regular Postal Assistants/Sorting Assistants. By denying them the benefit of Productivity Linked Bonus for the period they

(Signature)

...3/-

(Signature)

(B)

had served as RTP/SDSA, allowed by the D.G., Department of Posts by letter dt. 5.10.1988, they had been subjected to hostile discrimination in violation of Art.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 Judgments of the Ernakulam Bench in OA 171/89 dated 18.6.1990. The applicants therein were also similarly situated as that of 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 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 PL 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, OA 869/94 dt. 27.7.1994 and OA 123/95 dt. 2.2.1995 wherein the applicants therein 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, 869/94 and 123/95 of this Bench, we see no reason in not extending the same benefit to the applicants in this OA also.

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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 or the ~~same~~ ^{as granted} 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.

(R.Rangarajan)
Member (Admn.)

Vice Chairman

Dated 12th Feb., 1995.

A. R. Rao 1435
Deputy Registrar (J) CC

Grh.

To

1. The Superintendent of Post Offices, ^{Hanamakonda.}
2. The Secretary to the Dept. of Posts, Union of India, New Delhi.
3. The Chief Postmaster General, A.P. Circle, Hyderabad.
4. The Sr. Superintendent RMS 'Z' Division, Hyderabad.
5. The Sr. Superintendent of Post Offices, Guntur Division, Guntur.
6. The Sr. Superintendent of Post Offices, Hyderabad Division, Hyderabad.
7. One copy to Mr. K. Venkateswar Rao, Advocate, CAT. Hyd.
8. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
9. One copy to Library, CAT. Hyd.
10. One spare copy.

pvm

President
GPO/HQ

Final draft
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COMPARED BY

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: 22-2-1994

ORDER/JUDGEMTN:

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

In

O.A.No. 215/195

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.

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13/3/95

