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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 236/95.

Dt. of Decision : 14-2-95.

1. E. Bhaskar	17. S. Venkata Ramana
2. G. Maheswara Rao	18. T. Venkataswamy
3. P. Akbar Basha	19. S. Nagabhushanam
4. N. Prabhudas	20. J. Gopal
5. J. Venkata Ramana	21. C. Sunkanna
6. B. Balachandra	22. T. Hussainappa
7. C. V. Ramana Murthy	23. G. Papaiah
8. B. Naga Sri Ramulu	24. D. Veeranna
9. Ch. Uma Maheswarai	25. G. Chandra Sekhar
10. G. Annapurna	26. G. Kambagiri
11. K. Thirumala Rao	27. K. Jayamma
12. J. Parimala	28. S. Murthuza Saheb
13. S. Lalithamma	29. S. Khadarvali
14. S. Prabhavathi	30. G. Devaprasad
15. L. Vijaya Kumar	31. R. Laxminarayana Singh
16. S. Basheer Ahmed	32. V. Rajya Lakshmi
	33. K. A. Suganamma

.. Applicants.

vs

1. Union of India, rep. by its Secretary, Ministry of Communications, Dept. of Telecommunications, New Delhi.
2. The Chief General Manager, Telecommunications, Door Sanchar Bhavan, Hyderabad-1 (Station Road, Nampally)
3. The General Manager, Telecommunications Hyderabad Area, CTO Compound, Sec'bad.
4. Telecom District Manager, Bhupal Complex, Kurnool.

.. Respondents.

Counsel for the Applicants : Mr. B. S. A. Sathyanarayana

Counsel for the Respondents : Mr. V. Bhimanna, Addl. CGSC.

CORAM :

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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JUDGMENT

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

Heard Sri B.S.A.Sathyanaarayana, learned counsel for the applicants and Sri V.Bhimanna, learned Standing Counsel for the respondents.

2. In this application dated 14.2.1995 filed under sec.19 of the A.T.Act, 1985, the applicants who were Short Duty Telephone Operators (SDTO)/Reserved Trained Pool Telephone Operators(RPTO) of Kurnool Division, prayed for a declaration that they are entitled for the grant of productivity linked bonus applicable to the regular Telephone Operators between the period they worked as Short Duty Telephone Operators and for a further direction to pay the arrears of bonus.

3. The applicants herein joined as Short Duty Telephone Operators on various dates during the years 1981 & 1982 and served in that capacity till 1983/87 as per the details furnished in the Annexure-15 (p.27 of the material papers filed along with this OA). It is stated for the applicants that all of them were regularised subsequently as Telephone Operators. It is stated that they were selected after tough competition and had performed quantitatively and qualitatively the same work as that of regular Telephone Operators whenever they were engaged intermittently against the vacancies of regular Telephone Operators. By denying them the benefit of productivity linked bonus during the periods they had worked as Short Duty Telephone Operators, they had been subjected to hostile discrimination in violation of Articles 14 & 16 of the Constitution submitted by the learned counsel for the applicants. Hence, this OA has been filed with the above prayer.

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4. Sri BSA Satyanarayana, learned counsel for the applicants has drawn our attention to a 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 for 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 order was also passed by this Tribunal in OA Nos. 458/94 dt. 28.4.1994 and 66/95 dt. 20.1.1995 where 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 that of the applicants in OA 171/89 decided by Ernakulam Bench and in OA Nos. 458/94 and 66/95 of this Bench, we 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 the judgments quoted above.

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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 Ernakulam Bench and this Bench of the Tribunal in the aforesaid cases quoted in para-5 supra. The above direction should be complied 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.

M. Rangarajan
(R. Rangarajan)
Member (Admn.)

V. Neeladri Rao
(V. Neeladri Rao)
Vice Chairman

Dated 24th Feb., 1995.

Grh.

Prabhakar
Dy. Registrar (Judl)

Copy to:-

1. The Secretary, Ministry of Communications, Department of Telecommunications, Union of India, New Delhi.
2. The Chief General Manager, Telecommunications, Door Sanchar Bhavan, Hyderabad-1 (Station Road, Nampally).
3. The General Manager, Telecommunications, Hyderabad Area, CTO Compound, Secunderabad.
4. Telecom District Manager, Bhupal Complex, Kurnool.
5. One copy to Mr. B. S. A. Sathyana Rayana, Advocate, H. No. 2-1-561, Nallakunta, Hyderabad-44.
6. One copy to Mr. V. Bheemanna, CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare.

KKU,

2nd Feb 1995

04-236/95

TYPED BY

CHECKED BY

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.K.RANGAKAJAN : M.A.D.N

DATE: 14-2-75
- 1995

~~ORDER~~ JUDGMENT

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

O.A.No. 236/95

(T.A.No.)

(W.P.No.)

Admitted and Interim directions
Issued.

Allowed.

with a copy of OA

Disposed of with directions.

Dismissed

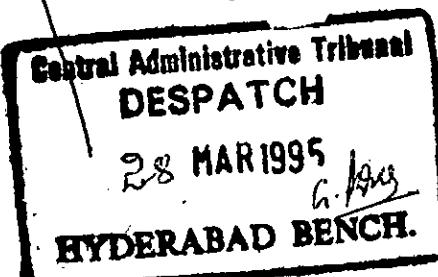
Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

No spare copy



pvm