

(28)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A.NO.1053 of 1995.

Between

1. G.Venkata Reddy.	13. G.Savithri.
2. M.Ramesh Babu.	14. T.Hema Devi.
3. R.Ravi.	15. S.C.Obul Reddy.
4. G.Appalacharyulu.	16. K.Padmaavathi.
5. G.Suryanarayana.	17. G.J.Suresh.
6. Kette Vasubabu.	18. N.N.L.Narasimham.
7. P.L.Prabhavathi.	19. S.V.Reddy.
8. B.M.Rishikesavulu.	20. T.Pullewara Rao.
9. G.Venkateswarlu.	21. L.Venkata Nagendra Babu
10. G.Jyothsna.	22. M.V.V.Satyenarayana Mur
11. V.Durga Bai.	
12. M.Ramachandra Rao. ...	

Applicants

And

1. Director General(Postal),	C.G.O.Complex, New Delhi.
2. Chief Post Master General, Hyderabad.	
3. Senior Superintendent of Post Offices, Hyderabad City Division, Hyderabad.	
4. Superintendent of Post Offices, Ongole Division, Ongole.	
5. Post Master General, Vijayawada.	
6. Post Master General, Visakhapatnam.	
7. Supdt. of Post Offices, Rajahmundry Division, Rajahmundry, EGDT.	
8. Sr. Supdt of Post Offices, Nellore Division, Nellore.	

Counsel for the Applicants : Sri. N.Saide Rao

Counsel for the Respondents : Sri. K.Bhaskara Rao, Addl. CGSO

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:....2/-

O.A. No.1053/95.

Dt. of Decision : 06-09-95.

ORDER

¶ As per Hon'ble Shri R. Rangarajan, Member (Admn.) ¶

Heard Shri K. Bhaskara Rao, learned counsel for the respondents.

2. In this OA Filed on 03-07-1995 under section 19 of the Administrative Tribunals Act, 1985, the applicants numbering 22, who had joined as Reserved Trained Pool/ Shirt Duty Postal Assistants during the years 1981 to 1983 as per the Annexure-1 enclosed to the OA, prayed for a declaration that the applicants are entitled for Productivity linked Bonus at the rates applicable to the regular Postal Assistants for the period they worked as RTP/SDPA and for a further direction to pay the arrears of bonus to which they are eligible immediately.

3. The applicants 1 to 13 and 18 were regularised in the year 1987 (applicant No. 18 was transferred from Secunderabad to Rajahmundry in 1987). Applicant No. 6 was regularised in 1989 and applicants No. 7 and 11 were regularised in the year 1983 and the remaining applicants were regularised during the years 1988, 1989 and 1990 (applicant No. 9 was transferred to Nellur from Hyderabad in 1990) and all of them are presently working as Postal Assistants in various post offices as stated in the Original Application. It is stated that they were selected after tough competition and performed their duties quantitatively and qualitatively 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/SDPA, allowed by the O.G., Department

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of Posts by letter dated 05-10-1988, 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. My attention was drawn to the judgement of the Ernakulam Bench in OA.No. 171/89 dt. 18-06-1990. 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.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 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.No. 611/94 dt. 31.5.94, 869/94 dt. 27.7.1994; and OA 1423/94 dt. 25.11.1994 wherein the applicants were similarly placed to that of applicants in OA.No. 171/89. As the applicants herein are in the same situation as applicants in OA.No. 171/89 decided by the Ernakulam Bench and in OA.No. 611/94, 869/94 and 1423/94 of this Bench, we see no reason in not extending the same benefit to the applicants in this OA also.

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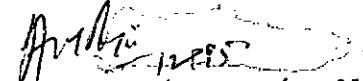
6. In the result, this OA is allowed with a direction to the respondents to grant the applicants the same benefit as granted by Ernakulam Bench and this Bench of the Tribunal in the afore-stated cases after checking up the correctness of the details as given in this OA. The above direction should be 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.)

Dated : The 6th September 1995.
(Dictated in Open Court)


Deputy Registrar (Judicial)

SPR

Copy to:-

1. Director General (Postal), C.G.O, Complex, New Delhi.
2. Chief Post Master General, Hyderabad.
3. Senior Superintendent of Post Offices, Hyderabad City Division, Hyderabad.
4. Superintendent of Post Offices, Ongole Division, Ongole.
5. Post Master General, Vijayawada.
6. Post Master General, Visakhapatnam.
7. Superintendent of Post Offices, Rajahmundry Division, Rajahmundry East Godavari District.
8. Senior Superintendent of Post Offices, Nellore Division, Nellore.
9. One copy to Sri. N. Saide Rao, advocate, CAT, Hyd.
10. One copy to Sri. K. Bhaskara Rao, Addl. CGSC, CAT, Hyd.
11. One copy to Library, CAT, Hyd.
12. One spare copy.

Rsm/-

OA-1053/95

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

HON'BLE MR. A.E. GORTI, ADMINISTRA-
TIVE MEMBER.

HON'BLE MR.

~~JUDICIAL MEMBER.~~

ORDER/JUDGEMENT:

DATED: 6/9/ 1995.

M.A./R.A./C.A. NO.

IN

O.A.NO: 1053/95

T.A.NO. (W.P.NO.)

ADMITTED AND INTERIM DIRECTIONS ISSUED.

ALLOWED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

DISMISSED FOR DEFAULT.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

Rsm/-

