

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.
O.A.NO.1054 of 1995.

Between

1. D.Sivashankar Gupta.
2. K.Vijaya Laxmi.
3. B.Anand Babu.
4. S.Ramesh Babu.
5. J.Subbalaxmi.
6. M.Seshu Kumari.
7. G.Bucheswara Rao.
8. K.Amu Radha.
9. Syed Zahid Hussain.
10. Safia Begum.
11. A.Jaya Mahalaxmi.

...

Dated: 6.9.1995.

12. Matin Ahmed.
13. M.Jayesu Kumar.
14. Nehwati.
15. D.Jaya Sree.
16. P.Sandhya Rani.
17. Anantaiah.
18. Ch. V.Ramana Kumari.
19. M.Srimathi.
20. B.Surya Prakash.
21. K.Surender Reddy.

Applicants

And

1. The Director General (Postal), C.G.O.Complex, New Delhi.
2. The Chief Post Master General, Hyderabad.
3. The Senior Superintendent of Post Offices, Hyderabad South East Division, Hyderabad.
4. The Superintendent of Post Offices, Medak Division, Medak.
5. The Senior Superintendent of Post Offices, Nizamabad Division, Nizamabad.

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Respondents

Counsel for the Applicants

: Sri. N.Saide Rao

Counsel for the Respondents

: Sri. K.Ramlee, ~~88xfaxxRixx~~ CGSC.

CORAM:

Hon'ble Mr. R.Rangarajan, Admin
Member.

Contd.:

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J U D G M E N T

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

Heard.

2. In this O.A. dated 3.7.1995 filed under sec.19 of the Administrative Tribunals Act, 1985, the applicants numbering 21, who had joined as Reserved Trained Pool/ Short Duty Postal Assistants during the years 1981 to 1985, prayed for a declaration that they 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 herein were absorbed after they had worked as RTP/SDPA in the respondents organisation during the years 1985 to 1989 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 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/SDPA, 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.

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4. My attention was drawn to the judgment of the Ernakulam Bench in O.A.No.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 B^{ench} was decided based on the decision in OA No.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 Csaual Labourer in granting Productivity linked bonus. It was further held in that OA that RTP candidates like Casual Labou-
rers are entitled to Productivity Linked Bonus if they have put in 240 days of service each year ending 31stMarch for three years or more. It was further held in that OA that amount of Productivity Linked Bonus would be based on their average~~s~~ 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 O.A.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 O.A.No.611/94, 869/94 and 1423/94 of this B^{ench}, 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 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.

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(R.Rangarajan)
Member(Admn.)

Dated 6th Sep., 1995.

Grh.

Arshu 725
Deputy Registrar (Judl.)

Copy to:-

1. The Director General (Postal), C.G.O.Complex, New Delhi.
2. The Chief Post Master General, Hyderabad.
3. The Senior Superintendent of Post Offices, Hyderabad South East Division, Hyderabad.
4. The Superintendent of Post Offices, Medak Division, Medak.
5. The Senior Superintendent of Post Offices, Nizamabad Division, Nizamabad.
6. One copy to Sri. N.Saide Rao, advocate, 15-H G.P.R.A. QTRS, Gachi Bowli, Hyd.
7. One copy to Sri. K.Ramlee, Addl. CGSC, CAT, Hyd.
8. One copy to Library, CAT, Hyd.
9. One spare copy.

Rsm/-

DA-1054/95

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

HON'BLE MR.

~~JUDICIAL MEMBER.~~

ORDER/JUDGEMENT:

DATED: 6.9.1. 1995.

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

IN

1054/95

O.A.NO.

T.A.NO.

(W.P. NO.)

ADMITTED AND INTERIM DIRECTIONS ISSUED.

ALLOWED.

DISPOSED OF WITH DIRECTIONS.

~~DISMISSED.~~

~~DISMISSED AS WITHDRAWN.~~

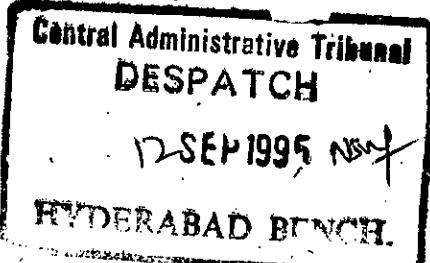
~~DISMISSED FOR DEFAULT.~~

~~ORDERED/REJECTED.~~

NO ORDER AS TO COSTS.

Rsm/-

No Spare Copy



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