

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 300/95.

Dt. of Decision : 10-3-95.

1. G.Satyanarayana
2. M.Ramalingeswara Sarma
3. V.Jayarami Reddy
4. Amzad Ali

.. Applicants.

vs

1. Union of India Rep. by
Director General, Dept. of
Telecommunications, Ministry
of Communications, New Delhi-110 001.
2. Chief General Manager, Telecommunications,
A.P.Circle, Door Sanchar Bhavan,
Station Road, Nampally, Hyderabad-1.
3. Sr. Supdt. Telegraph Traffic
Kurnool Division, Kurnool-518 001. .. Respondents.

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

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.)

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O.A.No.300/95.

Date: 10-3-1995.

JUDGMENT

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

Heard Sri B.S.A.Satyanarayana, learned counsel for the applicants and Sri N.R.Devaraj, learned Standing Counsel for the respondents.

2. In this application dated 28.2.1995 filed under sec.19 of the A.T.Act, 1985 the applicants who were the Short Duty/RTP Telegraph Assistant/Telegraphists of Kurnool Division prayed for a declaration that they are entitled for the grant of Productivity Linked Bonus at the rates applicable to the regular Telegraph Assistants/ Telegraphists for the period they had worked as Short Duty/RTP Telegraph Assistant/Telegraphists, as claimed in Annexure-11 (page-18 of the OA) and for a further direction to pay the arrears of bonus to which the applicants are eligible.

3. The applicants numbering 4 herein joined as Short Duty/RTP Telegraph Assistants/Telegraphists on 22.5.1983, 22.5.1983, 22.5.1983 and 27.1.1983 respectively and their services were regularised with effect from 17.11.1986. It is stated that they were selected after qualifying in the prescribed examination and have performed quantitatively and qualitatively the same work as that of regular Telegraph Assistants/Telegraphists whenever they were engaged intermittently against vacancies of regular Postal Assistants. By denying them the benefit of productivity linked bonus during the period from 1983 to 1986 when they worked as Short Duty/RTP Telegraph Assistants/Telegraphists, allowed by the Department of Telecom, they have 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. The OA 171/89 dt. 18.6.1990 on the file of Ernakulam Bench was decided on the basis of 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 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 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 certain conditions from time to time.

5. Similar orders were also passed by this Tribunal in OA 1423/94 dt. 25.11.1994 of this Bench of the Ernakulam Bench. Similar orders were also passed by this Tribunal in OA 484/94, dt. 28.4.94, OA 611/94 dt. 31.5.1994 and OA 1423/94 dt. 25.11.1994 of this Bench 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 judgments quoted above.

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P.S.

File

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6. In the result, this application is allowed with a direction to the respondents to grant to the ~~..... the same benefit as granted by the Ernakulam Bench~~ and this Bench of the Tribunal in the ~~.....~~ aforesaid cases quoted in para-5 above. The above direction should be complied within a period of 3 months from the date of

7. The OA is ordered accordingly ~~at the admission~~ stage itself. No costs.

(R.Rangarajan)
Member(Admn.)

M. V. Selvam
Vice Chairman

Grn.

Deputy Registrar(J)CC

To

1. The Director General, Union of India, Dept. of Telecommunications, Ministry of Communications, New Delhi-1.
2. The Chief General Manager, Telecommunications, A.P.Circle, Doosanchar Bhavan, Station Road, Nampally, Hyderabad-1.
3. The Sr. Superintendent, Telegraph Traffic
4. One copy to Mr. B. S. A. Satyanarayana, 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.

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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

THE HON'BLE MR. R. RANGARAJAN: M(ADMN)

-D 1995.

ORDER/JUDGMENT:

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

in

O. A. No.

300/95

T. A. No.

(W. P.)

Admitted and remitted to the next date of hearing.

Allowed.

Disposed of with directions.

Dismissed. along with OA copy

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

