

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.L.A. No. 301/95.

Dt. of Decision : 10-3-95.

1. P. Satyanarayana
2. K. Venkateswarlu
3. A. Krupakar Rao

.. Applicants.

Vs

1. Union of India rep. by  
Director General, Board of  
Postal Services, Ministry of  
Communications, New Delhi-110 001.
2. Post Master General, A.P.  
Southern Region, Kurnool.
3. Superintendent R.M.S.  
A.G. Division, Guntakal.

.. Respondents.

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

Counsel for the Respondents : Mr. N.R. Devaraj, Sr.CGSC.

COURT:

THE HON'BLE SHRI JUSTICE V. NEELAORI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

*20*  
C.A.No. 301/95.

Date: 10-3-1995.

J U D G M E N T

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

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 dt. 28.2.1995 filed under sec.19 of the Administrative Tribunals Act, 1985, the applicants numbering 3, who were the Short Duty/RTP Sorting Assistants of A.G.Division, Tuntakal prayed for a declaration that they are entitled for the grant of productivity linked bonus at the rates applicable to the regular postal/Sorting Assistants between the period from 1982 to 1988 and for a further direction to pay the arrears of bonus to which the applicants are eligible.

3. The applicants No.1 & 2 herein had joined as Short Duty Postal/Sorting Assistants on 11.3.1982 and applicant No.3 joined on 3.11.1982. The applicants served in that capacity till 29.12.1988 from which they were regularised as Postal/Sorting Assistants. It is stated that they were selected after a tough competition and had performed quantitatively and qualitatively the same work as that of regular Postal Asistants whenever they were engaged intermittently against the vacancies of regular Postal Assistants. By denying them the benefit of Productivity Linked Bonus during the period from 1982 to 1988 when they worked as SD Postal/Sorting Assistants letter allowed by the D.G., Department of Posts/dt. 5.10.1988, they have been subjected to hostile discrimination in

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*AVJN*

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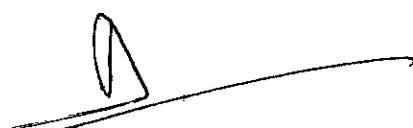
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violation of Articles 14 & 16 of the Constitution. Hence, this OA has been filed with the above prayer.

4. The OA No.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 other conditions prescribed from time to time.

5. Similar orders were also passed by this Tribunal in OA 458/94 dt. 28.4.1994 where the applicants are similarly situated to that of the applicants in OA 171/89 of the Ernakulam Bench. Similar orders were also passed by this Tribunal in OA No.484/94 dt. 28.4.94 and OA No.611/94 dt. 31.5.1994 and in OA 1423/94 dt. 25.11.1994 of this Bench where the applicants are similarly placed to that of the applicants in OA No.171/89. As the applicants herein are in the same situation as the applicants in OA 171/89 decided by the Ernakulam Bench, and in OA Nos.458/94, 611/94 and 1423/94 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 judgments quoted above.

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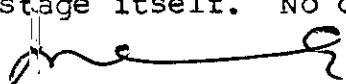


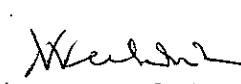
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6. In the result, this application is allowed with a direction to the respondents to grant to the applicants the same benefit as granted by the Ernakulam Bench and this Bench of the Tribunal in the aforesaid cases quoted in para-5 above. The above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

stage itself. No costs.

  
(R. Rangarajan)  
Member (Admn.)

  
(V. Neeladri Rao)  
Vice-Chairman

Dated 16 <sup>th</sup> March, 1995.

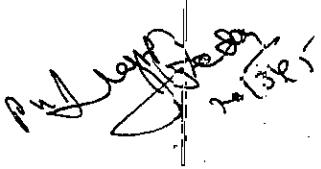
  
Deputy Registrar (J) CC  
21-3-95

Gth.

To

1. The Director General, Board of Postal Services, Ministry of Communications, Union of India, New Delhi-1.
2. The Post Master General, A.P. Southern Region, Kurnool.
3. The Superintendent R.M.S. A.G. Division, Guntakal.
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.

pvr

  
P. V. Rao  
1/3/95

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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. R. RANGARAJAN: M(ADMN)

DATED : 10 - 3 1995.

~~ORDER/JUDGMENT:~~

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

O A : No

301/95

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.

Central Administrative Tribunal  
DESPATCH  
28 MAR 1995  
HYDERABAD BRANCH