

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O. A. 302/95.

Dt. of Decision : 10-3-95.

- | | |
|-----------------------|---|
| 1. G. Anjaiah | 12. MD. Asifuddin |
| 2. K. Satyanarayana-I | 13. S. M. S. R. K. Baba |
| 3. K. Shobha Rani | 14. K. Seshadri |
| 4. Ch. Hari Kishan | 15. J. Prabhakar |
| 5. M. Anjaiah | 16. Gajram |
| 6. T. Karunakar | 17. N. Satyanarayana |
| 7. M. Balaram | 18. A. Purushottam |
| 8. M. A. Kareem | 19. M. Suresh, 20. Ch. Srinivas; 20. Ch. Srinivas |
| 9. K. Satyanarayana | 20. VVL Durga Prasad |
| 10. Ch. Venkateswarlu | |
| 11. K. Narsimulu | |
- .. Applicants.

Vs

1. Union of India rep. by its
Secretary, Dept. of Post,
New Delhi.
 2. Chief Post Master General,
AP Circle, Hyderabad.
 3. The Superintendent
R.M.S. "Z" Division, Hyderabad.
- ..-Respondents.

Counsel for the Applicants : MR. BSA. 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.)

P.A.

(18)

O.A.No.302/95.

Date: 10-3-1995.

J U D G M E N T

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

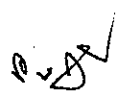
Heard Sri B.S.A.Satyanarayana, learned Counsel for the applicants and Sri N.R.Devaraj, learned Standing counsel for the respondents.

2. In this application dt. 28.2.1995 filed under sec.19 of the A.T.Act, 1985, the applicants herein numbering 21 who were all Short Duty/RTP RMS Sorting Assistants in RMS 'Z' Division, Hyderabad 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 for the period they had worked as Short Duty/RTP RMS Sorting Assistants and for a further direction to pay the arrears of bonus to which the applicants are eligible.

3. All the applicants herein had joined as Short Duty/RTP RMS Sorting Assistants in the respondents organisation between 1988 to 1990 and all of them were regularised as Sorting Assistants between 1988-1990. The details of their joining as Short Duty/RTP RMS Sorting Assistants, and dates of their regularisation as Sorting Assistants are furnished in Annexure-3 page-12 filed with this OA. It is stated for the applicants that they were selected after tough competition and were engaged in qualitatively the same work as that of regular Postal/Sorting Assistants whenever they were engaged intermittently against the vacancies of regular Postal/Sorting Assistants. By denying them the benefit of productivity linked bonus during the period when they worked as Short Duty/RTP RMS Sorting

...3/-





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: 3 :

Assistants allowed by the D.G., Department of Posts by letter dt. 5.10.1988, 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.

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 ~~the same benefit~~ It is 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 work~~ It is further held in that OA that amount of productivity ~~bonus~~ is to 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

5. Similar orders were also passed by this Tribunal ~~in OA No.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 ~~the Tribunal~~ 31.5.1994 and in OA No.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 similarly placed to that of the applicants in OA No.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.



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Learned counsel for the respondents also fairly submitted that this case is covered by judgments quoted above.

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 case 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.

7. The OA is ordered accordingly at the admission stage itself. No costs.
(R.Rangarajan) (V.Neeladri Rao)
Member(Admn.) Vice Chairman

Dated 10th March, 1995.

Handwritten signature
21-3-95
Deputy Registrar(J)CC

To

1. The Secretary, Dept.of Post, Union of India, New Delhi.
2. The Chief Poast Master General, A.P.Circle, Hyderabad.
3. The Superintendent, R.M.S. 'Z' Division, Hyderabad.
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 sopy to Library, CAT.Hyd.
7. One spare copy.

With a copy
of O.A.

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Handwritten notes:
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TYPED BY
COMPARED BY

CHECKED 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.

T. A. No.

in

302/95.
(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.

Ready
20/3/95

C.O.
M. Clerk with
Comm. All.
20/3

NO SPARE COPY

