

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 303/95.

Dt. of Decision : 10-3-95.

1. K. Thirupalu
2. B. Rathi Devi
3. K.R. Manikya Sastry
4. Y. Maddilety Reddy

.. Applicants.

Vs

1. Union of India rep. by its
Director General, Posts, Ministry of
Communications, Department of Posts,
New Delhi - 110 001.
2. Post Master General,
A.P. Southern Region,
Kurnool-518 005.
3. Superintendent, Railway Mail Service,
RMS "AG" Division, Guntakal-515 001. .. 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.)

JUDGMENT

I 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 A.T.Act, 1985, the applicants numbering 4, who were all Short Duty Sorting Assistants of RMS 'AG' Division, Guntakal prayed for a declaration that they are entitled for the grant of Productivity Linked Bonus at the rates applicable to the regular Sorting Assistants for the period they had worked as Short Duty Sorting Assistants, and for a further direction to pay the arrears of bonus to which the applicants are eligible.

3. The details such as joining of duty as Short Duty Sorting Assistants and their regularisation as Sorting Assistant Postal Assistants are furnished vide Annexure-11 (page-22) filed along with this OA. It is stated for the applicants that they were selected after qualifying in the prescribed for it and performed qualitatively and quantitatively the same work as that of regular Sorting Assistants whenever they were engaged intermittently against the vacancies of regular Sorting Assistants. By denying them the benefit of Productivity Linked Bonus during the period when they worked as Short Duty Sorting 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.

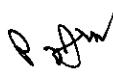
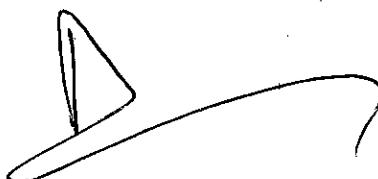
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4. The OA 171/89 dt. 18.6.1990 on the file of Ernakulam Bench was decided on the basis of the decision in OA 612/89 on the file of the same Bench. The ratio in that judgment was that no distinction can be made between an RTP worker and a Casual Labourer 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 611/94 dt. 31.5.1994 and in OA 1423/94 dt. 25.11.1994 of this Bench where the applicants are similarly situated 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 awarding 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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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 completed 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. f

(R.Rangarajan)
Member (Admn.)

Neeladri
(V.Neeladri Rao)
Vice Chairman

Dated 10 March, 1995.

Deputy Registrar(J)CC

Grh.

To

With copy of U.D.

1. The Director General, Posts, Union of India,
Ministry of Communications, Dept. of Posts, New Delhi-1.
2. The Postmaster General, A.P. Southern Region, Kurnool-5.
3. "A.G." Division, of the Railway Mail Service. RMS
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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Robert J. Lee
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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. 303 } 95 in

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 BENCH