

(15)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 312/95.

Dt. of Decision : 15-03-95.

1. A. Kushal Rao
2. N. Veena Devi
3. M. Saraswathi
4. V. Sandhyasri
5. M. S. Raghavakar
7. Mohd. Faqeed Ahmed
8. N. Kishan

.. Applicants.

Vs

1. Sr. Superintendent Telegraph Traffic,
Hyderabad Division, Hyderabad.
2. The Chief Supdt. of Central Telegraph
Office, Hyderabad.
Guntur Division, Guntur.
4. The Supdt., Telegraph Traffic,
Warangal Division, Warangal.
5. The Chief General Manager,
Telecommunications, A.P. Hyderabad.
6. The Director General, Telecommunications,
Dept. of Telecommunications, New Delhi,
Rep. the Govt. of India.
7. The Director, Telegraph Traffic,
A.P. Circle, Hyderabad.

.. Respondents.

Counsel for the Applicants : Mr. K. Venkateswara Rao

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.)

O.A.No.312/95

Dt. of decision: 15-3-1995.

JUDGEMENT

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

Heard Sri K.V. Rao, learned counsel for the applicants and Sri N.R. Devaraj, learned counsel for the respondents.

2. In this application dt. 23.2.95 filed U/s 19 of the A.T. Act, 1985, the applicants at Sl.No.1 to 7 who ~~are~~^{were} working as Short Duty/RTPs Telegraph Assistants under the Chief Superintendent of CTO, Hyderabad and the applicant at Sl.No.8 ~~is~~^{was} working as SD/RTETA under the control of Superintendent, Telegraph Traffic, Warangal Division, Hanamkonda, prayed for a declaration that they are entitled for the grant of P.L. Bonus at the rates applicable to the regular Postal/Sorting Assistants between the period from 1981 to 1990, and for a further direction to pay the arrears of bonus to which the applicants are eligible. The details such as joining of duty as SD/RTPs Telegraph Assistants and their regularisation as Telegraph Assistants are shown in Annexure-A.1 filed along with this O.A.

3. The applicants stated that they were selected after qualifying in the examination prescribed for it and performed qualitatively and quantitatively the same work as that of regular Telegraph Assistants whenever they were engaged intermittently against the

regular Sorting Assistants. By denying them the benefit of P.L. Bonus during the periods mentioned in Annexure A.1 filed with this O.A. when they worked as SD/RTPs Telegraph Assistants, allowed by the D.G., Dept. of Posts letter dt.5.10.88, they have been subjected to hostile discrimination in violation of Art.14 and 16 of the Constitution. Hence, this OA has been filed with the above prayer.

4. The O.A. No.171/89, dt.18.6.90 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 judgement was that no distinction can be made between an RTP worker and a Casual Labourer in granting P.L.Bonus. It was further held in that OA that RTP candidates like casual labourers are entitled to P.L. bonus if they have put in 240 days of service ~~up to and including 31st March~~ for 3 years or more. It is further held in that OA that amount of P.L.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.

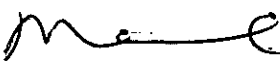
5. Similar orders were also passed by this Tribunal in OA 458/94, dt.28.4.94 where the applicants are similarly situated to that of the applicants in OA 171/89 of the Ernakulam Bench. Similar orders were also passed by this Tribunal in OA 484/94, dt.28.4.94 and OA No.611/94, dt. 31.5.94 and in OA 1423/94, dt.25.11.94 of this Bench where the applicants are similarly placed to that of the applicants in OA 171/89. As the appli-

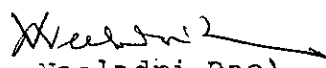
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cants herein are in the same situation as the applicants in OA 171/89 decided by the Ernakulam Bench, and in OA Nos.458/94, 611/94 and 1423/94 of this Bench, we see no reason in not extending the same benefit to the applicants in this OA also. Learned counsel for the respondents also fairly submitted that this case is covered by judgements 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 Ernakulam Bench and this Bench of the Tribunal in the aforesaid cases quoted in Para 5 above. The direction should be complied within a period of 3 months from the date of communication of this order.

7. The OA is ordered accordingly. No costs.


(R. Rangarajan)
Member(A)


(V. Neeladri Rao)
Vice Chairman

Dt. 15/8/95


Deputy Registrar(J)CC

To

kmv

1. The Sr.Superintendent Telegraph Traffic, Hyderabad Division, Hyderabad.
2. The Chief Supdt, of Central Telegraph Office, Hyderabad.
3. The Supdt. Telegraph Traffic, Guntur Division, Guntur.
4. The Superintendent, Telegraph Traffic, Warangal Division, Warangal.
5. The Chief General Manager, Telecommunications, A.P. Hyderabad.
6. The Director General, Telecommunications, Govt.of India, Dept.of Telecommunications, New Delhi,
7. The Director, Telegraph Traffic, A.P.Circle, Hyderabad.
8. One copy to Mr.K.Venkateswar Rao, Advocate, CAT.Hyd.
9. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
10. One copy to Library, CAT.Hyd.
11. 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

AND

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

DATED - 15-3-1995.

ORDER/JUDGMENT:

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

O. A. No. 312ⁱⁿ 95

T. A. No. (W. P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

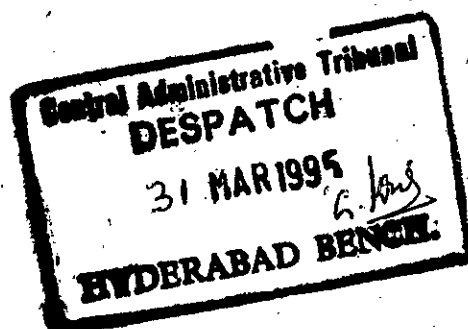
Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No. order as to costs.

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(9)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.P.115//95 in
O.A.312/95.

Dt. of Decision : 27-12-95.

1. A. Kushal Rao
2. N. Veena Devi
3. M. Saraswathi
4. V. Sandhyasri
5. V.S. Prabhakar
6. K. Annapurna
7. Mohd. Faqeed Ahmed
8. N. Kishan

.. Applicants.

Vs

1. Shri M.V. Bhasker Rao,
Chief General Manager,
Telecommunications, AP Circle,
Hyderabad.
2. Shri R.K. Thakker,
Director Commission, New Delhi.
3. Shri K. Lingaiah,
Superintendent Control,
Telegraph Office, Hyderabad.

.. Respondents.

Counsel for the Applicants : Mr. K. Venkateswara Rao
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.)

CP 115/95

in

OA 312/95

Date of order: 27-12-1995

ORDER

As per Hon'ble Shri Justice V. Neeladri Rao, Vice Chairman

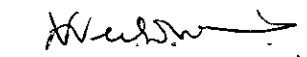
The applicants in the OA have filed this CP as the order in the OA is not yet implemented.

2. Heard both sides. In the circumstances referred to, this CP is ordered as follows:

"If the order in OA 312/95 is not going to be implemented by 30.04.1996, the same will carry interest at the rate of 12% per annum from 1.5.1996. Further, this order does not debar the applicants from moving this Tribunal by way of contempt if this order is not complied with by the respondents by 30.04.1996."

3. CP is ordered accordingly. No costs. //


Member (Admn)


V. NEELADRI RAO

Dated: The 27th December, 1995

Dictated in the Open Court


Deputy Registrar (J) CC

To

1. Sri M.V. Bhaskar Rao, Chief General Manager, mvl Telecommunications, A.P. Circle, Hyderabad.
2. Sri R.K. Thakkar, Director General & Chairman, Telecom Commission, New Delhi.
3. Sri K. Lingaiah, Superintendent Central, Telegraph Office, Hyderabad.
4. One copy to Mr. K. Venkateswar Rao, Advocate, CAT. Hyd.
6. One copy to Lib. Y. P. Y. S. CGSC. CAT. Hyd.
7. One spare copy.

pvm

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

VICE CHAIRMAN

AND

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

Dated: 27-12-1995

ORDER/JUDGMENT

M.A./R.A./C.A.No. 1151a-
in

O.A.No. 31495

T.A.No. (w.p.No.)

Admitted and Interim directions
issued.

Allowed.

CP
Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No Spare Copy

केन्द्रीय प्रशासनिक अपील
Central Administrative Tribunal

वैद्युत/DESPATCH

18 JAN 1996

हैदराबाद बेंच
HYDERABAD BENCH