

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 361/95.

Dt. of Decision : 24-03-95.

1. B. Nageswararao
2. K. Yedukondalu
3. P. Brahma Reddy
4. G. Chandrasekhar Rao
5. V. Radhakrishna Murthy
6. P. Prasad
7. P. Venkata Rao
8. P. Padmayathi
10. B. Prabhavathi
11. I. Jagan Mohini
12. B. Yesudas
13. T. B. R. Prasad
14. S. Uma Maheswara Rao
15. K. Nandakumari
16. K. Srinivasa Rao
17. A. Haribabu
18. V. V. Ramana
19. K. Rajya Lakshmi
20. A. Nagakumari
21. G. Revathi

.. Applicants.

vs

1. The Union of India rep. by  
the Secretary, Dept. of Posts,  
Dak Bhavan, New Delhi-110 001.
2. The Postmaster General,  
Vijayawada Region, Vijayawada-2.
3. The Sr. Supdt. of Post offices,  
Eluru Division, Eluru.
4. The Supdt. of Post Offices,  
Machilipatnam Division, Machilipatnam.
5. The Chief Postmaster General,  
A.P.Circle, Hyderabad-500 001.
6. The Supdt. of Post Offices,  
Narasaraopeta Division, Narasaraopeta.
7. The Sr. Supdt. of Post Offices,  
Nizamabad Division, Nizamabad.
8. The Sr. Supdt. of RMS,  
RMS 'Y' Division, Vijayawada-2.

.. Respondents.

Counsel for the Applicants : Mr. T.V.G.S. Murthy

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) X

Heard Sri T.V.V.S.Murthy, learned counsel for the applicants and Sri N.R.Devaraj, learned Standing Counsel for the respondents.

2. In this application dated 7.3.1995 filed under sec.19 of the Administrative Tribunals Act. 1985. the applicants numbering 21 who had worked as Reserve Trained Pool Postal Assistants (RTPPAs for short) under the control of respondents, prayed for a declaration that they are entitled for the grant of productivity linked bonus at the rates applicable to the regular Postal Assistants for the period they worked as RTPPAs and for a further direction to pay the arrears of bonus to which they are eligible.

3. The applicants herein had joined as Reserve Trained Pool Postal Assistants during the years 1981, 1982 & 1983 and performed the duties as such till they were regularised as Postal Assistants. The details as to their date of joining as RTPPAs, period of their engagement as RTPPAs, date of regularisation in respect of each applicant are furnished in Annexure-I filed with the OA. It is stated for the applicants that they were selected after qualifying in the exam. prescribed for it and performed qualitatively and quantitatively the same work as that of regular Postal Assistants whenever they were engaged intermittently against the vacancies of regular Postal Assistants. By denying them the

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benefit of productivity linked bonus during the periods when they worked as RTPPAs, allowed by the D.G., Department of Posts letter dt. 5.10.1988, they have been subjected to illegal 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 productivity linked bonus. It was further held in that OA that RTP candidates like Casual Labourers are entitled to productivity linked bonus in the 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.458/94 dt. 28.4.1994 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

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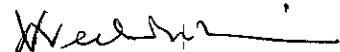
(R)

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.

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

7. The OA is ordered accordingly. No costs.

  
(R. Rangarajan)  
Member (Admn.)

  
(V. Neeladri Rao)  
Vice Chairman

Dated 24/3 March, 1995.

  
Deputy Registrar (J) CC

To

1. The Secretary, Union of India, Dept. of Posts, Dak Bhavan, New Delhi-1.
2. The Postmaster General, Vijayawada Region, Vijayawada-2.
3. The Sr. Superintendent of Post Offices, Eluru Division, Eluru.
4. The Superintendent of Post Offices, Machilipatnam Division, Machilipatnam.
5. The Chief Postmaster General, A.P. Circle, Hyderabad-1.
6. The Superintendent of Post Offices, Narasaraopeta Divn. Narasaraopeta.
7. The Sr. Superintendent of Post Offices, Nizamabad Divn. Nizamabad.
8. The Sr. Superintendent of RMS, RMS 'Y' Division, Vijayawada-2.
9. Mr. M. V. S. Murthy, Advocate, CAT, Hyd.
10. One copy to Mr. N. R. Devraj, Sr. CGSC, CAI, Hyd.
11. One copy to Library, CAT, Hyd.
12. One spare copy.

4  
12 copies

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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 - 24-3-1995.

ORDER/JUDGMENT:

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

O.A. No.

in

361/95-

T.A. No.

(W.P.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

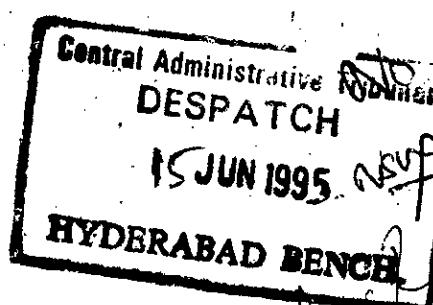
Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.



*sent 10/6/95*

*22/6/95*

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