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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

D.A. 363/95.

Dt. of Decision : 24-03-95.

1. P.V.Rangarayakulu
2. D.Guruvaiah
3. NS Zahida Begam
4. B.Vedavathi
5. A.Potluri
6. N.Sankara Narayana
7. K.Subbanjaneyulu
8. P.Jayaramaiah

.. Applicants.

Vs

1. The Union of India rep. by the Secretary, Dept. of Posts, Dak Bhavan, New Delhi-110 001.
2. The Postmaster General, AP Southern Region, Kurnool.
3. The Supdt. of Post Offices, Proddatur Division, Proddatur.
4. The Supdt. of Post Offices, Tirupathi Division, Tirupathi.
5. The Chief Postmaster General, AP Circle, Hyderabad-500 001.
6. The Supdt. of Post Offices, Guntakal Division, Guntakal.
7. The Supdt, RMS, AG Division, Guntakal.
8. The Supdt, RMS, TP Division, Tirupathi.

.. Respondents.

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

Counsel for the Respondents : Mr. V.Bhimanna, Addl.CGSC.

CORAM:

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

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

O.A.No.363/95

Dt. of decision: 14-3-1995.

JUDGEMENT

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

Heard.

2. In this application dt. 9.3.95 filed U/s 19 of the A.T.Act, 1985 the applicants numbering 9 who had joined as Reserved trained pool/Short Duty Postal Assistants during the years 1981 to 1992 in Tirupati Division, prayed for a declaration that they are entitled for the grant of ~~un~~ linked Bonus at the rates applicable to the regular Postal/Sorting Assistants for the period they worked as RTPPAs/SDPAs and for a further direction to pay the arrears of bonus to which the applicants are eligible.

3. The applicants herein initially joined as RTPPAs/SDPAs during the ~~year~~ ~~1981~~ in Tirupati Division and all of them were subsequently regularised as Postal Assistants. The details as to their date of joining, date of regularisation, place of working etc. are furnished in Annexure-A1 filed with the Original Application. It is stated for the applicants that they were selected after qualifying in the examination prescribed for it and performed qualitatively and quantitatively the same work as that of regular Sorting/Postal Assistants whenever they were engaged intermittently against the vacancies of regular Postal/Sorting ~~them~~ Assistants. By denying

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benefit of P.L. bonus during the periods when they worked as RTPPAs, 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 & 16 of the Constitution. Hence, this OA has been filed with the above prayer.

4. The OA 171/89 dt. 1.10.89 decided by the 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 each year ending 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 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.458/94 dt.28.4.94 and OA.611/94 dt.31.5.94 and in OA 1423/94 dt.15.11.94 of this Bench where the applicants are similarly placed to that of the applicants in OA No.171/89. As the applicants ^{same} herein are in the situation as the applicants in OA No.171/89 decided by the Ernakulam Bench, and in OA 458/94

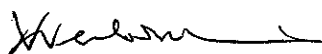
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611/94 and 1423/94 of this Bench, we see no reason in not extending the same benefit to the applicants in this OA also. Learned counsel for the respondents also fairly submitted that this case is covered by judgements quoted above.

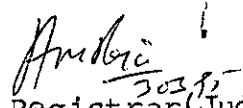
6. In the result, this application is allowed with a direction to the respondents to grant to the applicants the same benefit as granted by the Ernakulam Bench and this Bench of the Tribunal in the aforesaid cases quoted in para-5 above. The above direction should be complied within a period of 3 months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

7. The OA is ordered accordingly. No costs. /


(R. Rangarajan)
Member (A)


(V. Neeladri Rao)
Vice Chairman


Dt. 14 March, 1995


Deputy Registrar (Judl.)

Copy to:-

1. The Secretary, Department of Post, Union of India, Dak Bhavan, New Delhi-001.
2. The Postmaster General, A.P. Southern Region, Kurnool.
3. The Supdt of Post Offices, Proddatur Division, Proddatur.
4. The Supdt of Post Offices, Tirupathi Division, Tirupathi.
5. The Chief Postmaster General, A.P. Circle, Hyderabad-001.
6. The Supdt of Post Offices, Guntakal Division, Guntakal.
7. The Supdt RMS, AG Division, Guntakal.
8. The Supdt RMS, TP Division, Tirupathi.
9. One copy to Sri. T.V.V.S. Murthy, advocate, CAT, Hyd.
10. One copy to Sri. V. Bhimanna, Addl. CGSC, CAT, Hyd.
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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

DATED - 24/3/1995.

ORDER/JUDGMENT:

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

O.A.No.

in
363/95

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.

