

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 364/95.

Dt. of Decision : 24-03-95.

1. K. Sudarsana Rao
2. I.Ch. Krishna Charah
3. Yamala Sambamurthy
4. M. Suryanarayana
5. J.Poornachandra Rao
6. D.Manibhushana Rao
7. Y.Ticwoathbi Rao
8. M.Govardhana Rao
9. U.Bapuji
10. M.Mohana Rao

.. Applicants.

VS

1. The Union of India rep. by
the Secretary, Dept. of Telecommunications,
Sanchar Bhavan, New Delhi-110 001.
2. The Telecom District Engineer,
3. The General Manager, Telecom Area,
Visakhapatnam.
4. The Sub-Divisional Engineer(Trunks)
Visakhapatnam.
5. The Chief General Manager, Telecom,
AP Circle, Hyderabad-500 001.

.. Respondents.

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

Counsel for the Respondents : Mr. N.V.Ramana, Addl.CGSC.

CORAM:

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

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

(13)

O.A. No. 364/95

Dt. 24 -3-1995.

JUDGEMENT

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

Heard.

2. In this application dt. 9.3.95 filed U/s 19 of had joined as Reserve trained pool/Short duty Telecom Office Assistants during the years 1983 to 1987 in Visakhapatnam Division, prayed for a declaration that they are entitled for the grant of Productivity Linked Bonus at the rates applicable to the regular Postal/Sorting/Telecom 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/----- Division and all of them were subsequently regularised as Telecom Office Assistants. The details as to their date of joining, date of regularisation, place of working etc. are furnished in Annexure-I filed with the O.A. 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/Telecom Assistants whenever they were engaged intermittently against the vacancies of regular Postal/Telecom Assistants. By denying them the

benefit of P.L. bonus during the periods when they worked as RTP/SDTQAs, allowed by the D.G., Department of Telecom, 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.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 is that no discrimination 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.

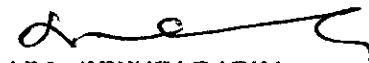
5. Similar orders were also passed by this Tribunal in OA 458/94 dt.28.4.94 where the applicants are similarly situated to that of the applicants in OA 171/89 of the Ernakulam Bench. Similar orders were also passed by this Tribunal in OA No.458/94 dt. 28.4.94 and OA.611/94 dt.31.5.94 and in OA 1423/94 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 herein are in the same situation as the applicants in OA No.171/89 decided by the Ernakulam Bench, and in OAs

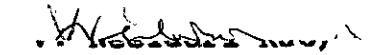
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458/94, 611/94 and 1423/94 of this Bench, we see no reason in not extending the same benefit to the applicants ~~in~~ in this OA also. Learned counsel for the respondents also fairly submitted that this case is covered by judgement quoted above.

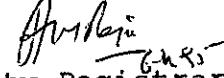
6. In the result, this application is allowed with a direction to the respondents to grant to the applicants the same benefit as granted by the Ernakulam cases quoted in para-5 above. The above direction should be complied within a period of 3 months from the date of communication of this order.

7. The O.A. is ordered accordingly. No costs.


Member (A)


Vice Chairman


Dt. By IC
March, 1995


Deputy Registrar (J) CC

To

1. The Secretary, Dept. of Telecommunications, Union of India, Sanchar Bhavan, New Delhi-1.
2. The Telecom District Engineer, Srikakulam.
3. The General Manager, Telecom Area, Visakhapatnam.
4. The Sub Divisional Engineer (Trunks) Visakhapatnam.
5. The Chief General Manager, Telecom, A.P. Circle, Hyderabad-1.
6. One copy to Mr. T. V. V. S. Murthy, Advocate, CAT. Hyd.
7. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
8. One copy to Library, CAT. Hyd.
9. One spare copy.

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CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRT RAO

AND

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

DATED - 26-3-1995.

ORDER/JUDGMENT:

M. A. /R. A. /C. A. NO.

O. A. No.

364/95

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.

No spare copy

