

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

D.A. 365/95.

Dt. of Decision : 24-03-95.

1. G.J. Sudhakar
2. GVK Sai
3. M.Samudrudu
4. D.Madhusudana Rao
5. GK. Srinivasa Rao
6. M.Srinivasarao
7. K.Jeanis Rani
8. M.Durga Kumari
9. K.Durga Mallesu Rao
10. K.Lokenadham

.. Applicants.

Vs

1. The Union of India rep. by
the Secretary, Dept. of Posts,
Dak Bhawan, New Delhi-110 001.
2. The Postmaster General,
Vijayawada Region, Vijayawada-520 002.
3. The Supdt. of Post Offices,
Gudivada Division, Gudivada-521 301.
4. The Superintendent,
Postal Stores Depot, Vijayawada.
5. The Chief Postmaster General,
AP Circle, Hyderabad-500 001.

.. Respondents.

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

Counsel for the Respondents : Mr. N.V.Raghava Reddy, Addl.CCSC.

CORAM:

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

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

(13)

O.A.No.365/95

Dt. of decision: 24-3-1995.

JUDGEMENT

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

Heard.

2. In this application dated 9.3.95 filed U/s 19 of the A.T.Act, 1985, the applicants numbering 11 who had joined as Reserve trained pool/Short duty Postal Assistants during the years 1980 to 1990 in Gudivada 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 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 years 1980 to 1990 in Gudivada 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 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/Postal Assistants whenever they were engaged intermittently against the vacancies of regular Postal/Sorting Assistants. By denying the

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productivity linked bonus during the periods when they worked as Short Duty Telephone Operators, 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.

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. 612/90 on the file of the same Bench. The finding 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 No.458/94 dt. 28.4.1994 and O.A.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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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.

... the 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. /

One
(R. Rangarajan)
Member (Admn.)

Neeladri
(V. Neeladri Rao)
Vice Chairman

Dated 24th March, 1995.

Ambr 3.2.95
Deputy Registrar (Judl.)

Grh.

Copy to:-

1. Secretary, Dept. of Posts, Union of India, Dak Bhavan, New Delhi-001.
2. The Postmaster General, Vijayawada Region, Vijayawada-002.
3. The Supdt of Post Offices, Gudivada Division, Gudivada-301.
4. The Superintendent, Post Stores Depot, Vijayawada.
5. The Chief Postmaster General, A.P. Circle, Hyd-001.
6. One copy to Sri. T.V.V.S. Murthy, advocate, CAT, Hyd.
7. One copy to Sri. N.V. Raghava Reddy, Addl. CGSC, CAT, Hyd.
8. One copy to Library, CAT, Hyd.
9. One spare copy.

Rsm/-

365/95

TYPED BY
COMPARED BY

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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 - 24/3/ 1995.

ORDER/JUDGMENT:

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

O.A. NO. 365/95

T.A. NO. (W.P.)

Admitted and Interim directions issued.

Allowed.

Disposed of with directions.

Dismissed.

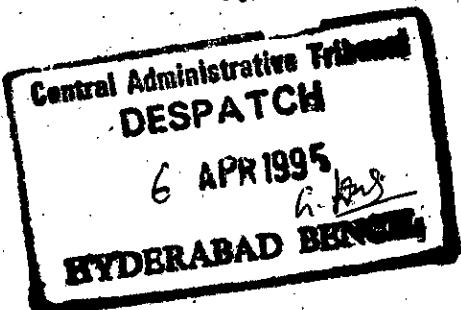
Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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