

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

(u)

D.A. 366/95.

Dt. of Decision : 24-03-95.

1. B.Vijayalakshmi
2. N.Sivannarayana
3. N.Sambasiva Rao
4. V.V.Prasada Rao

.. 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-520 002.
3. The Supdt. of Post Offices,
Khammam Division, Khammam.
4. The Chief Postmaster General,
Anantapur Hyderabad-500 001

Respondents.

Counsel for the Applicants : Mr. T.V.V.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.)

(LB)

O.A.No.366/95

Dt. of decision: 27-3-1995.

JUDGEMENT

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

Heard.

2. In this application dt. 10.3.95 filed U/s 19
of the A.T. Act. 1985. the applicants numbering 4 who
had joined as Reserve Trained Pool/Short Duty Postal
Assistants during the years 1982 to 1989 in Khammam
Division, prayed for a declaration that they are enti-
tled for the grant of Productivity Linked Bonus at the
rates applicable to the regular Postal/Sorting Assis-
tants 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 1982 to 1989 in Khammam Divi-
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 PAs/SAs. By denying them the

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benefit of P.L. bonus during the periods when they worked as RTPPAs, allowed by the DG, 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.18.6.90 on the file of Ernakulam Bench _____ 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 _____ real 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 dt.31.5.94 and 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

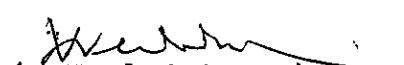
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are in the same situation as the applicants in OA No.171/89 decided by the Ernakulam Bench, and in OAs 458/94, 611/94 and 1423/94 of this Bench, we see no reason in not extending the same benefit to the applicants in this OA also. Learned counsel for the respondents also fairly submitted that this case is covered by judgements quoted above.

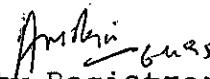
6. In the result, this application is allowed with a direction to the respondents to grant to the applicants the same benefit as granted by the Ernakulam Bench and this Bench of the Tribunal in the aforesaid cases quoted in para 5 above. The above direction should be complied within a period of 3 months 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. 24 ²⁵ March, 1995


Amriti Guas
Deputy Registrar (J)CC

To

1. The Secretary, Dept. of Posts,
Union of India, Dak Bhavan, New Delhi-1.
2. The Postmaster General, Vijayawada Region,
Vijayawada-2.
3. The Superintendent of Post Officer,
Khammam Division, Khammam.
4. The Chief Postmaster General, A.P.Circle, Hyderabad-1.
5. One copy to Mr. T.V.V.S.Murthy, Advocate, CAT.Hyd.
6. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEE LADRI RAO
VICE- CHAIRMAN

AND

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

DATED - 26-3 1995.

ORDER/JUDGMENT:

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

O.A. No.

in
366(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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