

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O. A. No. 367/95.

Dt. of Decision : 24-3-95.

1. EVVS Lakshmana Rao

2. RVPS Prasad

.. Applicant

vs

1. Union of India, rep. by its
Secretary to Government,
Telecommunications,
New Delhi.

2. Chief General Manager,
Telephones, AP Circle,
Hyderabad.

3. The General Manager,
Telecom, Visakhapatnam.

4. The Divisional Engineer,
Telecommunications,
Srikakulam.

5. The Chairman,
New Delhi.

.. Respondents.

Counsel for the Applicants : Mr. N. Saida Rao

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.)

O.A.No.367/95.

Date: 24/8/85

JUDGMENT

I as per Hon'ble Sri R.Rangarajan, Member(Administrative)]

Heard Sri N.Saida Rao, learned counsel for the applicants and Sri N.R.Devaraj, learned Standing Counsel for the respondents.

2. In this application dated 8.3.1995 filed under sec.19 of the Administrative Tribunals Act, 1985, the applicants numbering 2 who had worked as Reserve Trained Pool/Short Duty Telephone Operators in Srikakulam Division, A.P. prayed for a declaration that they are entitled for the grant of Productivity Linked Bonus at the rates applicable to the regular Telephone Operators for the period they worked as RTP/SDTOs and for a further direction to pay the arrears of bonus to which they are eligible.

3. The applicants herein joined as Reserve Trained Pool/Short Duty Telephone Operators in the year 1981 and performed the duties as such till 24.10.1985, the date on which they were regularised as Telephone Operators.

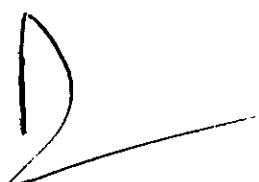
... to applicants that they were selected after qualifying in the examination prescribed for it and performed qualitatively and quantitatively the same work as that of regular Telephone Operators whenever they were engaged intermittently against the vacancies of regular Telephone Operators. By denying them the benefit of

...3/-

productivity linked bonus during the periods when they worked as Short Duty Telephone Operators, allowed by the D.G., Department of Telecom, they have been subjected to hostile discrimination in violation of Articles 14 & 16 of the Constitution. Hence, this OA has been filed with

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 ~~casual workers 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 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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are in the same situation as the applicants in OA 171/89 decided by the Ernakulam Bench, and in OA Nos.458/94,

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 of this order.

7. The OA is ordered accordingly. No costs.

Dra. R.

(R.Rangarajan)
Member(Admn.)

V.Neeladri Rao
(V.Neeladri Rao)
Vice Chairman

Dated

24 March, 1995.

Grh.

20/3/95
Deputy Registrar(Jud1.)

Copy to:-

1. Secretary to Government, Telecommunications, Union of India, New Delhi.
2. Chief General Manager, Telephones, A.P. Circle, Hyderabad.
3. The General Manager, Telecom, Visakhapatnam.
4. The Divisional Engineer, Telecommunications, Srikakulam.
5. The Chairman, Telecom Commission, New Delhi.
6. One copy to Sri. N.Saida Rao, advocate, AT, Hyd.
7. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
8. One copy to Library, CAT, Hyd.
9. One spare copy.

Rsm/-

A-367/95
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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} 367/95

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.

