

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 368/95.

Dt. of Decision : 24-03-95.

1. B. Shuba Pradha Devi
2. P. Sarala
3. C. Balamani
4. P. Shakuntala
5. R. Sandhya Rani
6. D. Vidhyavathi
7. V. Sita Devi
8. K. Sharada Devi
9. N.R. Krishna Kumari
10. Y.V. Usha Rani
11. T.N. Usha Rani
12. I. Vara Laxmi
13. G. Sita
14. Indrani

.. Applicants.

Vs

1. Union of India, rep. by its Secretary to Government, Telecommunications, New Delhi.
2. The General Manager, Hyderabad Telecom District, Hyderabad.
3. The Chief General Manager, Telecom, AP Circle, Hyderabad.
4. The General Manager, Telecom Commission, Dept. of Telecommunications, 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.368/95

Dt. of decision: W-3-1995.

JUDGEMENT

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

Heard.

2. In this application dated 14.3.95 filed U/s 19 of the A.T.Act, 1985, the applicants numbering 17 who had joined as Reserve Trained Pool/Short Duty Telephone Operators during the period October, 1982 and August, 1983 under the control of respondents, prayed for a declaration that they are entitled for the grant of Productivity Linked Bonus at the rates applicable to the regular Postal/Telecom Assistants for the period they worked as RTP/SDTOs and for a further direction to pay the arrears of bonus to which the applicants are eligible.

3. The applicants herein initially joined as Short Duty Telephone Operators during the period October, 1982 and August, 1983 under Hyderabad Telecom District, Hyderabad and performed duties as such till their regularisation as Telephone Operators during the years 1985 and 1986. 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 Postal Assistants whenever they were engaged inter-
mittently against the vacancies of regular/ Postal Assistants. By denying them

benefit of P.L. bonus during the periods when they worked as RTPP/Telephone Operators, 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.

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 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 all employees are casual labourers and 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 458/94 dt.28.4.94 and OA 611/94 dt.31.5.94 and in OA 1423/94 dt.25.11.94 of this Bench where the applicants are similarly placed to that of the applicants in OA 171/89. As the appli-

(16)

cants herein 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 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 shall be complied within a period of 3 months from the date of communication of this order.

7. The OA is ordered accordingly. No costs.

CERTIFIED TO BE TRUE COPY
Date.....
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad

4/4/95

To

1. The Secretary to Govt. Telecommunications, Union of India, New Delhi.
2. The General Manager, Hyderabad Telecom Dist, Hyderabad.
3. The Chief General Manager, Telecom, A.P.Circle, Hyderabad.
4. The Chairman, Telecom Commission, Dept.of Telecommunications, New Delhi.
5. One copy to Mr.N.Saida Rao, 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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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.

T.A.No.

in

368/95
(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.

