

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 369/95.

Dt. of Decision : 24-03-95.

1. K. Sathaiah

Applicants

vs

1. V. Neeladri, retd. M.A.
Posts, New Delhi.
2. The Chief Post Master General,
A.P. Circle, Hyderabad.
3. The Suptd. RMS"Z" Division,
Hyderabad. .. Respondents.

Counsel for the Applicants : Mr. B.S.A. Satyanarayana

Counsel for the Respondents : Mr. V. Bhimanna, Addl. CGS.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

..2

JUDGMENT

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

Heard Sri B.S.A.Satyamarayana, learned counsel for the applicants and Sri V.Bhimanna, learned Standing Counsel for the respondents.

2. In this application dt. 14.3.1995 filed under sec.19 of the Administrative Tribunals Act. 1985. the applicants numbering 2, who had worked as Reserve Trained Pool RMS Sorting Assistants in 'Z' Division, Hyderabad, A.P. prayed for a declaration that they are entitled for the grant of Productivity Linked bonus at the rates applicable to the regular Sorting Assistants for the period they worked as RTPSAs and ~~----- to pay the awards of bonus to which~~ they are eligible.

3. The applicants herein initially joined as Reserve Trained Pool Sorting Assistants on 9.6.1982 and 9.12.1982 respectively, and performed the duties as such till they were regularised on 18.8.1989 and 30.5.1988 respectively. The details as to the date of joining as RTPSAs, period of their engagement as RTPSAs, and date of regularisation as Sorting Assistants are furnished in Annexure-3 filed with the OA. It is stated for the applicants that they were selected after qualifying in the exam. prescribed for it and performed qualitatively and quantitatively whenever they were engaged intermittently against the vacancies of regular Sorting Assistants. By denying them the

benefit of productivity linked bonus during the periods whey they worked as RTP RMS Sorting Assistants, allowed by the D.G., Department of Posts 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. 10.6.1990 of 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 if they have put in 240 days of service each 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 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 O.A.No.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.

..... 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 24 ¹⁵ March, 1995.

Arif Ali
Deputy Registrar(Jud1.)

Grh.

Copy to:-

1. Secretary, Department of Post, Union of India, New Delhi.
2. The Chief Post Master General, A.P.Circle, Hyd.
3. The Supdt RMS 'Z' Division, Hyderabad.
4. Advocate.
5. One copy to Sri. V.Bhimanna, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

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OA-369/95

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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 - 5/4/1995.

ORDER/JUDGMENT:

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

O.A. No.

in
369/95

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.

