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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

OA. 477/95.

Date of order: 10-4-95.

V.Chennaiah & Ors.

...

Applicants.

Vs.

1. The Union of India rep. by the Secretary, Department of Posts, Dak Bhavan, New Delhi-110 001.
2. The Chief Postmaster General, A.P. Circle, Hyderabad-500 001.
3. The Postmaster General, Vijayawada Region, Vijayawada-520 002.
4. The Superintendent of Post Offices, Gudur Division, Gudur (Nellore) 524 101.

Ex.

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Respondents.

Counsel for the Applicants: Mr. J. V. V. S. Murthy, Advocate.
Counsel for the Respondents: V. Bheemanna, CGSC.

CORAM:

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

HON'BLE SHRI R. RANGARAJAN, MEMBER ADMINISTRATIVE.

O.A. NO. 477/95.

Date: 10/4/95

JUDGMENT

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

Heard Sri T.V.V.S.Murthy, learned counsel for the applicants and Sri V.Bheemanna, learned Standing Counsel for the respondents.

2. In this OA dated 4-4-1995 filed under sec.19 of the Administrative Tribunals Act, 1985, the applicants numbering 8 (eight) who were Reserve Trained Pool Postal Assistants (RTP PAs for short) of Gudur (Nellore) 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 Postal Assistants for the period they worked as RTP PAs and for a further direction to pay the arrears of bonus to which the applicants are eligible. The details as to the in respect of each applicant date of joining/as RTPPA and the period for which they had worked as such are furnished in Annexure-A.1 filed with the O.A.

3. 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 Assistant whenever they were engaged intermittently against the vacancies of regular Postal Assistants. By denying them the benefit of Productivity Linked Bonus during the periods mentioned in Annexure-A.1 of OA when they worked as RTP PA, allowed by D.G., Department of Posts letter dt. 5.10.1988, they have been subjected to hostile discrimination in violation of Art.14 and 16 of the Constitution. Hence, this OA has been filed with the above prayer.

...3/-

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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 R.T.P. 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, O.A.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 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.

...4/-



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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.

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(R.Rangarajan)
Member(Admn.)

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

Dated 16 th April, 1995.

Grh.

Amriti
10/10/95
Dy. Registrar(Judl)

Copy to:-

1. Secretary, Department of Posts,
Union of India, Dak Bhavan, New Delhi-110 001.
2. The Chief Postmaster General, A.P.Circle,
Hyderabad-500 001.
3. The Postmaster General, Vijayawada Region,
Vijayawada-520 002.
4. The Superintendent of Post Offices, Gudur Division,
Gudur (Nellore) 524 101.
5. One copy to Mr. J.V.V.S. Murthy, Advocate B-361, Phase-II
Residential Complex, Vanasthalipuram, Hyderabad-500 070.
6. One copy to Mr. V. Bheemanna, 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. NEELADRI RAO
VICE- CHAIRMAN

AND

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

DATED - 10 - 4 1995.

ORDER/JUDGMENT:

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

O. A. No. 477/95

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.

