

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

O.A.NO. 487/95

DATE OF JUDGMENT: 19.4.95

BETWEEN:

- | | |
|-------------------------|-------------------------|
| 1. k.J.Pratapa Reddy | 10. K.Sobha Devi |
| 2. B.Venkateswara Reddy | 11. G.Sesha Pulla Rao |
| 3. V.Phalalochana Rao | 12. N.Venkateswara Rao |
| 4. S.Seshagiri Rao | 13. A.Venkatappaiah |
| 5. M.Chenchuramaiah | 14. R.P.L.Narasimha Rao |
| 6. V.Subba Rao | 15. S.Sudha Rani |
| 7. B.Syam Babu | 16. S.Sambasiva Rao |
| 8. K.Jeevaratnam | 17. B.Aruna |
| 9. P.Venkataswamy | ----- Applicants. |

A N D

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 Post Master General, Vijayawada Region, Vijayawada-520002.
4. The Senior Superintendent of Post Offices, Guntur Division, Guntur.
5. The Senior Superintendent of Post Offices, Hyderabad South East Division, Hyderabad-27.
6. The Supdt. of Post Offices, Guntur Division, Guntur.

COUNSEL FOR THE APPLICANT: SHRI T.V.V.S.Murthy

.. Respond

COUNSEL FOR THE RESPONDENTS: SHRI N.V.Raghava Reddy
Sr./Addl.CGSC

CORAM:

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

CONTD.....

(17)

O.A.487/95

Dt. of decision: 19/4/95

JUDGEMENT

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

Heard.

2. In this OA dt.7.4.95 filed U/s 19 of the A.T.Act, 1985, all the 17 applicants herein, ^{who} initially recruited and worked as Reserve Trained Pool Postal Assistants (RTP PAs) during the years 1983 and 1990. Later on all the applicants were absorbed and they are working as regular Postal Assistants at various offices in the Vijayawada Region. They pray for a declaration that they are entitled for grant of Productivity Linked Bonus at the rates applicable to the regular Postal Assistants for the period they worked as RTPPAs and for a further direction to pay arrears of bonus to which the applicants are eligible.

3. The applicants herein were absorbed after they had worked as RTPPAs in the respondents organisation. It is stated that they were selected after tough competition and performed their duties quantitatively and qualitatively the work as that of regular Postal Assistants whenever they were engaged intermittently against the vacancies of regular Postal Assistants. By denying them the benefit of P.L.Bonus for the period they had served as RTPPAs, allowed by the D.G., Dept. of Posts by letter dt.5.10.88, they had 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.

[Handwritten signature]

(P)

4. Sri T.V.V.S.Murthy, learned counsel for the applicants has drawn our attention to the judgement of Ernakulam Bench in OA 171/89, dt.18.6.90. The applicants therein were also similarly situated as the applicants herein. The OA 171/89 on the file of Ernakulam Bench was decided based on the decision 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 each year ending 31st March for three years or more. It was 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 order was also passed by this Tribunal in OA 611/94, dt. 27.7.94 wherein the applicants were similarly placed to that of the applicants in OA 171/89. As the applicants herein are in the same situation as applicants in OA 171/89 decided by the Ernakulam Bench and in OA 611/94 and 869/94 of this Bench, we see no reason in not extending the same benefit to the applicants in this O.A. also.

6. In the result, this OA is allowed with a direction to the respondents to grant the applicants the same benefit as granted by Ernakulam Bench and this Bench of the Tribunal in the aforestated cases as quoted in para-5

(19)

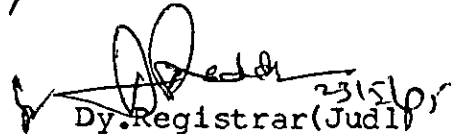
above. The above direction should be completed within a period of three months from the date of communication of this order.

7. The OA is ordered accordingly at the admission stage itself. No costs.


(R. Rangarajan)
Member (A)


(V. Neeladri Rao)
Vice Chairman

Dated 19/4/95


Dy. Registrar (Judl)

Copy to:-

kmv

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 Post Master General,
Vijayawada Division, Vijayawada-520 002.
4. The Senior Superintendent of Post Offices,
Guntur Division, Guntur.
5. The Senior Superintendent of Post Offices,
Hyderabad South East Division, Hyderabad-27.
6. The Superintendent of Post Offices,
Guntur Division, Guntur.
7. One copy to Shri T.V.V.S. Murthy, Advocate, CAT, Hyd.
8. One copy to Shri N.V. Raghava Reddy, Addl. CGSC. CAT. Hyd.
9. One copy to Library, CAT, Hyd.
10. One spare.

kku.

OA-487/95

THPED BY

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

A N D

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

DATED 19/4/ 1995.

~~ORDER/JUDGMENT:~~

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

OA.No.

in 487/95

TA.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

~~Disposed of with directions.~~

Dismissed.

alongwith OA copy

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

~~No order as to costs.~~

No spare copy

