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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. No. 51/95.

Dt. of Decision : 17.1.95.

C. Sivarami Reddy

.. Applicant.

Vs

Nandyal Divisional Offices,

2. The Post Master General,
A.P. Southern Region,
Kurnool - 5.

3. The Director General,
Dept. of Posts, Dak Bhavan,
Sansad Marg, New Delhi.

4. The Supdt. of Post Offices,
Kurnool Division, Kurnool.

.. Respondents.

Counsel for the Applicant : Mr. Krishna Devan,
Counsel : ---
// : M. N.R. Devaraj, Sr. CESC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

O.A. No.51/95

Date: 17/11/95

JUDGEMENT

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

Heard Sri Krishna Devan, learned counsel for the applicant and Sri N.R. Deva Raj, learned counsel for the respondents.

2. In this application dt.6-1-95 filed under Sec.19 of the A.T.Act, 1985, the applicant who was a Short Duty Clerk (SDC) Reserved Trained Pool Postal Assistant (RTPPA) of Nandyal Division, prayed for a declaration that he is entitled for the grant of productivity linked bonus applicable to the regular Postal Assistants between the period from 1.12.82 to 16.9.88 and for a further direction to pay the arrears of bonus to which the applicant is eligible within 3 months from the date of receipt of this order.

3. The applicant herein joined as 1.12.82 and he served in that capacity till 16.9.1988. He stated that he was selected after a tough competition and has performed quantitatively and qualitatively the same work as that of Regular Postal Assistants whenever he was engaged intermittently against vacancies of regular Postal Assistants. By denying him the benefit of productivity linked bonus during the period from 1982 to 1988 when he worked as R.T.P.P.A. allowed by the D.G., Department of Posts dt.5.10.1988, he has been subjected to hostile discrimination in violation of Articles 14 & 16 of the Constitution. Hence, this OA has been filed with the above prayer.

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4. Sri Krishna Devan, learned counsel for the applicant has drawn our attention to a Judgement of the Ernakulam Bench in O.A.No.171/89 dt.18.6.1990. The applicants therein were also similarly situated as the applicant herein. The O.A.No.171/89 on the file of Ernakulam Bench was decided based on the decision in O.A.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 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 order was also passed by this Tribunal in O.A.No.458/94 dt.28.4.1994 where the applicants were similarly placed to that of the applicants in O.A.No.171/89. As the applicant herein is in the same situation as the applicants in O.A.No.171/89 decided by the Ernakulam Bench and in O.A.No.458/94 of this Bench, we see no reason in not extending the same benefit to the applicant in this O.A. also. Learned counsel for the respondents also fairly submitted that this case is covered by the judgements quoted above.

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6. In the result, this application is allowed with a direction to the respondents to grant to the applicant the same benefit as granted by the Ernakulam Bench and this Bench of the Tribunal in the aforesaid cases. 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.

.....

(R. Rangarajan)
Member (A)

.....

(V. Neeladri Rao)
Vice Chairman

Dt. 17-1-1995

Deputy Registrar (J) CC

..... 31-1-95

kmv
To

1. The Superintendent of Post Offices, Nandyal Division, Kurnool Dist.
2. The Postmaster General, A.P. Southern Region, Kurnool-5.
3. The Director General, Dept. of Posts, Dak Bhavan, Sansad Marg, New Delhi.
4. The Superintendent of Post Offices, Kurnool Division, Kurnool.
5. One copy to Mr. Krishna Devan, 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.

pvm

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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: 17-1-1995

ORDER/JUDGEMTN:

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

in
O.A.No. 5195,

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.

No spare copy

30/1/95

