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

O.A.NO. 536/95

DATE OF JUDGMENT: 26-4-95

BETWEEN:

- | | |
|-------------------------|----------------------|
| 1. A.Srinivasa Rao | 11. Md.Arifuddin |
| 2. K. Jagadeeshwar | 12. T. Prabhu |
| 3. G.Venugopal Reddy | 13. LK Jayasree |
| 4. S. Madhusudan | 14. N. Rajeswari |
| 5. VSR Murthy | 15. D. Satyanarayana |
| 6. Ch. Prasada Rao | 16. C. Satyanarayana |
| 7. M.J. Subramanyaeswar | 17. R. Balasumitra |
| 8. K. Narsinga Rao | 18. B. Lakshmi Devi |
| 9. Md. Azeez Ahmed | 19. K. Ambika Devi |
| 10. T. Ramadevi | |
- : Applicants

and

1. The Chief Superintendent of Central Telegraph Office, Hyderabad
 2. Sr. Supdt., Telegraphic Traffic Hyderabad Division, Hyderabad
 3. The Director, Telegraph Traffic, AP Circle, Hyderabad
 4. The Chief Genl. Manager, Telecommunication, AP, Hyderabad
 5. Union of India, rep. by its DG, Telecom., D/o Telecommunications New Delhi
- : Respondents

COUNSEL FOR THE APPLICANT: SHRI K. Venkateswara Rao,
Advocate

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

CORAM:

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

CONTD....

P.A.

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O.A. 536/95

Dt. of decision: 26/4/95

JUDGEMENT

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

Heard.

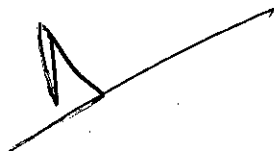
2. In this M.A. dated 17.4.95 filed U/s 19 of the A.T.Act, 1985, the applicants herein had joined as Short Duty/RTPs Telegraphists during the year 1981. Later on, all the applicants were absorbed during the years 1988 to 1989. Since then all the applicants are working as Telegraphists under the control of 1st respondent. They pray for a declaration that they are entitled for grant of Productivity Linked Bonus at the rates applicable to the regular Telegraphists for the period they worked as SD/RTPs Telegraphists, 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 Short Duty/RTPs 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 Telegraphists whenever they were engaged intermittently against the vacancies of regular Telegraphists. By denying them the benefit of P.L. Bonus for the period they had served as Short Duty/RTPTs, allowed by the D.G., Department of Telecom 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.

4. Sri K.V. Rao, learned counsel for the applicants has drawn our attention to the judgement of the Ernakulam Bench in O.A. 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 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. 31-5-94, and 869/94 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 OA also.


6. In the result, this O.A. is allowed with a direction to the respondents to grant the applicants the same benefit as granted by Ernakulam Bench and this Bench of

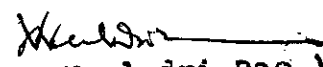


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the Tribunal in the aforesaid cases as quoted in Para-5 above. The above direction should be completed within a period of three months from the date of communication of this order.

7. The OA is ordered accordingly at the admission stage itself. No costs. 1


(R. Rangarajan)
Member (A)


(V. Neeladri Rao)
Vice Chairman

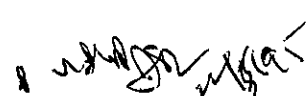
Dated: 26/4


Deputy Registrar (Judl.)

Copy to:-

1. The Chief Superintendent of Central Telegraph Office, Hyd.
2. Sr. Supdt., Telegraphic Traffic Hyd Division, Hyd.
3. The Director, Telegraph Traffic, A.P. Circle, Hyd.
4. The Chief Genl. Manager, Telecommunications, A.P. Hyd
5. Director General, Telecom, Union of India, D/o Telecommunications, New Delhi.
6. One copy to Sri. K.Venkateswara Rao, advocate, CAT,
7. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
8. One copy to Library, CAT, Hyd.
9. One spare copy.

Rsm/-



OA: 536/95

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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 26/4/ 1995.

ORDER/JUDGMENT: —

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

OA.No. in

536/95

TA.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

along with OA copy.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

No Spale copy

