

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

O.A.NO. 537/95

DATE OF JUDGMENT: 26.4.95

BETWEEN:

- | | |
|----------------------|---------------------|
| 1. Smt. Khamar Jahan | 6. K.Barsingh |
| 2. Smt. Aruna | 7. P.Umalakshmi. |
| 3. Mohd. Fakruddin | 8. M.Veereshalingam |
| 4. V.Brahma Reddy | 9. Babu. |
| 5. K.Narayana Murthy | .. Applicants. |

A N D

1. The Union of India, Rep. by the Secretary, Department of Posts, Dak Bhavan, Nee Delhi - 110 001.
2. The Post Master General, Hyderabad Region, Hyderabad - 500 001.
3. The Superintendent of Post Offices, Sangareddy Division, Sangareddy.
4. The Chief Post Master General, A.P.Circle, Hyderabad - 1. .. Respondents,

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

COUNSEL FOR THE RESPONDENTS: SHRI K.Bhaskara Rao
Sr./Addl.CGSC

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

CONTD.....

OA No. 537/1995.

Dt. of decision: 26/4/95

JUDGEMENT

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

Heard.

2. In this OA dt.17.4.95 filed U/s 19 of the A.T.Act, 1985 the applicants herein had worked as Reserved Trained Pool/Short Duty Postal Assistants in the year June, 1981 and June, 1990 and later on all the applicants were absorbed. Since then all the applicants are working as Postal Assistants at various offices in the respondents organisation. 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 RTP/SDPAs 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 RTP/SDPAs 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 Productivity Linked Bonus for the period they had served as RTP/SDPAs, allowed by the Director General, Department of Posts by letter dated 5-10-1988, they had been subjected to hostile discrimination in violation of Art. 14 and 16 of the Constitution. Hence, this O.A. has been filed with the above prayer.

18

4. Sri L.V.V.S. Murthy, 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.

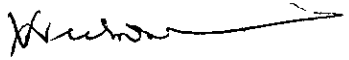
6. In the result, this O.A. is allowed with a direction to the respondents to grant the applicants the same benefit as granted by Ernakulam Bench and this Bench of

19

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.


(R. Rangarajan)
Member (A)


(V. Neeladri Rao)
Vice Chairman

Dated: 26/4/55


Dy. Registrar (Judl)

Copy to:-

1. The Secretary, Department of Posts,
The Union of India, Dak Bhavan, New Delhi-110 001.
2. The Post Master General, Hyderabad Region,
Hyderabad-500 001.
3. The Superintendent of Post Offices,
Sangareddy Division, Sangareddy.
4. The Chief Post Master General, A.P. Circle,
Hyderabad-1.
5. One copy to Mr. T.V.V.S. Murthy, Advocate, CAT, Hyd.
6. One copy to Shri K. Bhaskara Rao, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyderabad.

kku.

OA-537/95

THPED BY

CHECKED BY

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 537/95

~~TA.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.~~

along with OA copy
4

No spare copy

Central Administrative Tribunal
DESPATCH
29 JUN 1995 NSV
HYDERABAD BENCH.

✓