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

O.A.NO. 538/95

DATE OF JUDGMENT: 26.4.95

BETWEEN:

- | | |
|-----------------------|----------------------|
| 1. D.Parameswara Rao | 10. M.S.Parvathi |
| 2. G.S.Raja Rajeswari | 11. R.Lakshmana Dora |
| 3. A.V.Sudharani | 12. Rajaram |
| 4. A.Nagaraja Rao | 13. M.V.S.Latha |
| 5. M.Visalakshi | 14. A.Murali |
| 6. G.B.Geetanjali | 15. S.Krishna Murthy |
| 7. K.Varaprasada Rao | 16. V.Balakameswari |
| 8. K.Manikyam | 17. S.Samuel John |
| 9. K.Aruna | 18. P.V.Vijayakumari |

..... Applicants.

A N D

1. The Union of India Represented 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,
Visakhapatnam Region, Visakhapatnam.
4. The Senior Superintendent of Post
Offices, Visakhapatnam Division,
Visakhapatnam.

..... Respondents.

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

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.....

OA No. 538/95

Dt. of decision: 26/4/85

JUDGEMENT

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

Heard.

2. In this OA dt.17-4-95 filed U/s 19 of the A.T.Act, 1985, the applicants herein had joined as RTP Postal Assistants during August, 1982 to June, 1984 and worked upto April, 1989 and later on all the applicants were absorbed. Since then all the applicants are working as Postal Assistants at various offices in Visakhapatnam 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 RTP Postal Assistants 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 Reserved Trained Pool/Short Duty Postal Assistants 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/Postal Assistants, allowed by the Government of Posts by letter dated 5-10-88, they had been subjected to hostile discrimination in violation of Articles 14 and 16 of the Constitution. Hence this O.A. has been filed with the above prayer.

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4. Sri T.V.V. 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 determined by dividing the total emoluments for each accounting year of eligibility by 12 and subject to other conditions prescribed from time to time.

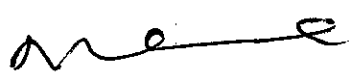
5. Similar order was also passed by this Tribunal in OA 611/94, dt. 31-5-94, and 869/94 dt. 27-7-94 wherein the applicants were similarly placed to that of the applicants in OA 171/89. As the applicants herein are in the same situation as applicants in OA 171/89 decided by the Ernakulam Bench and in OA 611/94 and 869/94 of this Bench, we are not extending the same benefit to the applicants in this OA also.

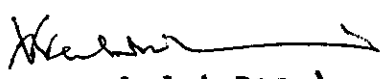
6. In the result, this O.A. is allowed with a direction to the respondents to grant the applicants the same benefit as granted by Ernakulam Bench and this Bench of

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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. /


(R. Rangarajan)
Member (A)


(V. Neeladri Rao)
Vice Chairman

Dated: 26/4/55

KMV


Dy. Registrar (Court),

Copy to:-

1. The 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, Visakhapatnam Region,
Visakhapatnam.
4. The Senior Superintendent of Post Offices,
Visakhapatnam Division,
Visakhapatnam.
5. One copy to Mr. T. V. S. Murthy, Advocate, CAT, Hyd.
6. One copy to Shri N.V. Raghava Reddy, CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One copy spare.

kku.

OA 538/95

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 26/4/1995.

~~ORDER/JUDGMENT:~~

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

OA.No.

in

538/95

~~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.~~

Spare copy

Central Administrative Tribunal
DESPATCH
23 JUN 1995
HYDERABAD BENCH