

(22)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Original Application No. 659/96.

Date of Order: 30-5-96.

Between :-

1. D.Syamala Kumari
2. M.Nagavalli
3. K.Padma
4. K.L.Padmavathi
5. K.Parvathy

... Applicants

And

1. The Union of India rep. by the
Secretary, Department of Telecommunications,
New Delhi - 110 001.
2. The Chief General Manager, Telecom.
A.P.Circle, Hyderabad - 500 001.
3. The General Manager, Telecom,
Chandramoulinagar, Guntur - 522007.

... Respondents

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Counsel for the Applicants : Shri T.V.V.S.Murthy

Counsel for the Respondents : Shri V.Rajeshwar Rao, Addl.CGSC

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CORAM:

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI : VICE-CHAIRMAN

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A)

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(Orders per Hon'ble Justice Shri M.G. Chaudhari,
Vice-Chairman).

The five applicants make a claim for payment of Productivity linked bonus. Neither in the O.A. nor in the prayer clause the period for which the benefit is claimed has been specified in clear terms. The learned counsel for the applicants submit that the claim relates to the period from 1982 to 1990 on the basis of averments in para-4.1. of the application and from the periods of work shown in Annexure A-1. The representation filed by the applicants on 28-12-94 to the department also mentioned the period as 8-2-1982 to 8-3-1990. The office therefore raised an objection of limitation. The learned counsel for the applicants explained that since the applicants are seeking extension of the benefit of the judgement of this Tribunal in an earlier decision, the claim is within the period of limitation under section 21 (3) of the Act. The question needs consideration for admission. We have therefore examined the question of limitation. We do not however propose to record any finding on that question in view of the submission made by the learned counsel for the applicants that mainly the applicants are seeking the benefit of the earlier decision on the persons similarly concerned in that case and secondly as we are inclined to leave it to the respondents to dispose of the representation of the applicants on merits. Hence we entertain the O.A. for admission. By MA (unregistered), applicants 2 to 5 seek to join in single

application on the ground that their claim is similar. The leave is granted.

2. Sri V. Rajeshwar Rao, learned counsel for the Respondents submitted that he may be given time to obtain instructions. However we do not think that ~~if~~ necessary as we are inclined to direct the respondents to dispose of the representation of the applicants. ³⁻ Hence the following order:-

"(i) The Respondent No.2, The Chief General Manager, Telecom, AP Circle, Hyderabad is directed to examine the representation of the applicant No.1 (Annexure- A-3) dt.28-12-94 in the light of the earlier decision of this Bench in OA 611/94 dt.31-5-94 as also the decision of the Ernakulam Bench of the C.A.T. in OA 171/89 and take a decision as to whether the said applicant is similarly situated person and is eligible to be given the benefit of bonus as claimed or not;

(ii) As it is stated that the other 4 applicants have also filed similar representations ~~hence~~ then if the said representations are on the record of the Respondent No.2 those also shall be similarly examined;

(iii) For the purpose of the above directions, the applicants shall make available the copies of the above mentioned decisions to the Respondent No.2, which shall be furnished to the counsel for the respondents within a period of 1 week from today;

(iv) While deciding the representations, the Respondent No.2 shall have due regard to the well established principle that benefit of a decision of a Tribunal should ordinarily be extended to similarly situated persons without driving.

them to litigation;

(v) The Respondent No.2 also will have due regard to the fact that the Telecommunications Department and Postal Department are part of the same Ministry and the decision of the Tribunal in regard to one Department ordinarily is expected to be applied to the similarly situated persons of the other Departments;

(vi) While examining the case, the Respondent No.2 may have regard to the RTPs Scheme, if it is applicable;

(vii) It is made clear that the representations which are stated not to have been replied shall be considered in view of these directions. If they have already been disposed of, in that event, they shall be re-examined in ^{the} light of the above directions. The Respondent No.2 shall dispose of the representations as expeditiously as possible, preferably within a period of two months from the date of receipt of the copy of this order;

(viii) It is made clear that all questions on merits are left open for consideration by Respondent No.2 and this order is confined ~~xxx~~ merely to directing him to deciding ~~him~~ ^{applicants} on the representations and to reply ~~them~~ accordingly.

A. Registry is directed to register the O.A. and M.A. formally. disposed of as granted.
M.A. is / O.A. is disposed of accordingly. No order as to costs.

(H. RAJENDRA PRASAD)
Member (A)

(M.G. CHAUDHARI)
Vice-Chairman

Dated: 30th May, 1996.
Dictated in Open Court.

Deputy Registrar (cc)

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To

1. The Secretary, Department of Telecommunications,
Union of India, New Delhi-1.
2. The Chief General Manager, Telecom,
A.P. Circle, Hyderabad-1
3. The General Manager, Telecom,
Chandramoulinagar, Guntur-7.
4. One copy to Mr. T.V.V.S. Murthy, Advocate, CAT. Hyd.
5. One copy to Mr. V. Rajeswar Rao, Addl. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One copy to Scrutiny Section, CAT. Hyd.
8. One spare for duplicate file.

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26/6/96

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD :M(A)

Dated: 30-5-1996

ORDER/JUDGMENT

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

O.A.No. 659/96 in

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.

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