

Annexure 19

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1423/94.

Dt. of Decision : 25.11.94.

- | | |
|----------------------------|----------------------------|
| 1. V. Ravi Krishna | 16. E. Uma Devi |
| 2. P. Nagalaxmi | 17. M. Jagath Kumar |
| 3. P. Nirmala | 18. P. Chandra Sekhar Rao |
| 4. Elizebeth Christian | 19. P. Yadagiri |
| 5. A. Nagarjuna Rao | 20. G. Surash Kumar |
| 6. K. Koteswara Rao | 21. I. Sai Babu |
| 7. B. Muralikrishna Murthy | 22. V. Srinivas |
| 8. C. Karunya | 23. M. Najibur Rahman |
| 9. T. Ragavendra | 24. P. Ranga Sai |
| 10. G. Kondaiah | 25. P. Ramanarsingh Rao |
| 11. T. Susheela | 26. K. Leelavathi Kulkarni |
| 12. G. Ramana Reddy | 27. Y. Koteswara Rao |
| 13. G. Laxmi Prasanna | 28. LK. Sandhya |
| 14. K. Uma Devi | 29. Ramachander Kulkarni |
| 15. K. P. Jaleja Neidu | 30. J. N. Janakiram |

.. Applicants.

Vs

1. The Sr. Superintendent of Post Offices,
Hyderabad City Division, Hyderabad.
2. The Post Master General,
Andhra Circle, Hyderabad-1.
3. The Director General (Postal),
New Delhi.

.. Respondents.

Counsel for the Applicants : Mr. N. Saide Rao

Counsel for the Respondents : Mr. N. R. Devaraj, Sr. CGSC.

CORAM:

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

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

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O.A.No.1423/94.

Date: 25.11.1994

: 2 :
J U D G M E N T

I as per Hon'ble Sri R.Rangarajan, Member (Administrative) X

Heard Sri N.Saida Rao, learned counsel for the applicants and Sri N .Devaraj, learned Standing Counsel for the respondents.

2. In this O.A. dt. 8.11.1994 filed under sec.19 of the Administrative Tribunals Act, 1985, the applicants numbering 30, had joined as Reserved Trained Pool/ Short Duty Postal Assistants having applied for the said posts in pursuance of the advertisements bearing No.Davp/710/14/81, DAVP 710(589)/83 issued by the Director of Postal Services, A.P.Northern Region, Hyderabad, in the years 1981, 1982 and 1983. Later on, all the applicants were absorbed during the years 1987 to 1990 vide proceedings Memo No.BII/SDC/Rectt. dt. 13.7.1987, BII/SDC/Rectt/RTP/ dt. 26.8.1987, Memo No.BII/Rectt/RTP/PA/V/38 dt. 20.12.1988, Memo No.BII/Rectt/RTP/PA/V/88 dt. 30.12.1988, Memo No. BII/Rectt/RTP/V/89 dt. 30.5.1989, Memo No.BII/Rectt/ RTP/ V/89 dt. 4.8.1989 and Memo No.BII/Rectt/RTP/PAS/VI/90 dt. 30.5.1990, with effect from the dates of the above orders. Since then all the applicants are working as Postal Assistants at various offices at Hyderabad. They prayed 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 RTPPAs/SDCs and for a further direction to pay arrears of bonus to which the applicants are eligible immediately.

.../-

3. The applicants herein were absorbed after they had worked as RTPPAS/SDCs in the respondents organisation during the years 1987 to 1990 in terms of the proceedings quoted above. 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 whether 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 RTPPAS/STCS, allowed by the D.G., Department of Posts by letter dt. 5.10.1988, they had been subjected to hostile discrimination in violation of Articles 14 & 16 of the Constitution. Hence, this OA has been filed with the above prayer.

4. Sri N.Saida Rao, learned counsel for the applicants has drawn our attention to the Judgment of the Ernakulam Bench in O.A.No.171/89 dt. 18.6.1990. The applicants therein were also similarly situated as the applicants herein. The OA 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 judgment 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 three years or more. It was 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

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and subject to other conditions prescribed from time to time.

5. Similar order was also passed by this Tribunal in O.A.No.611/94 dt. 31.5.1994, and 869/94 dt. 27.7.1994 wherein the applicants were similarly placed to that of applicants in O.A.No.171/89. As the applica^{here} are in the same situation as applicants in O.A.No.171/89 decided by the Ernakulam Bench and in O.A.No.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 OA is allowed with a direction to the respondents to grant the applicants the same benefit as granted by Ernakulam Bench and this Bench of the Tribunal in the aforesaid cases. 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./

CERTIFIED TO BE TRUE COPY

Date..... 3-11-94

Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

OA 1423/94
25.11.94
3.12.94

Grh.

To

1. The Sr.Superintendent of Post Offices, Hyderabad City Division, Hyderabad.
 2. The Post Master General, Andhra Circle, Hyderabad-1.
 3. The Director General (Postal), New Delhi.
 4. One copy to Mr.N.Saibaba Rao, Advocate, CAT-Hyd. 15 H, G.P.R.A. Qr.
 5. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd. Chachibowli Hyd.
 6. One spare copy.
 7. One copy to Library, CAT-Hyd.
- pvm

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD
M.A.No. 586/97 & O.A.NO. 907/97.

Date of Order: 17-7-97.

Between:

1. N.Satyanarayana Murthy.
2. K.Malathi.
3. Kona Satyanarayana.
4. I.P.Vanitha.
5. B.Indu Kumar.

..Applicants.

and

1. The Superintendent of Railway Mail Service,
V Division, Visakhapatnam.
2. The Postmaster General,
Visakhapatnam Region, Visakhapatnam.
3. The Chief Postmaster General,
A.P.Circle, Hyderabad.

.. Respondents.

For the Applicants: Mr. N.Saida Rao, Advocate.

For the Respondents: Mr. K.Bhaskar Rao, Addl.CGSC.

CORAM:

THE HON'BLE MR.H.RAJENDRA PRASAD : MEMBER(ADMN)

The Tribunal made the following Order:-

Heard Sri Saida Rao.N. for the applicant and
Sri K.Bhaskara Rao for the respondents.

M.A. 586/97 is allowed and disposed of.

The facts of this case are similar to those contained
in O.A.1423/94 and also the other circumstances in both the O.A.s
are absolutely identical. It is, therefore, directed that the
directions given in the judgment dt.25-11-1994 in O.A.1423/94
shall be implemented in the present O.A. as well.

Thus the O.A. is disposed of at the admission stage.


Deputy Registrar(J)CC

24/7/97

T. COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN

and

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

Dated: 17-7-1997

~~ORDER/JUDGMENT~~

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

in

O.A.No.

907/97

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.

pvm

