

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - HYDERABAD BENCH : HYDERABAD

OA / TA / RA / CP / MA / PT (21.7) of 1997

..... L. Raj. Ashu Khosla & 22.81 Applicant(s)

Versus

..... The Telecom District Manager, Respondent(s)
Warangal & Aor

INDEX SHEET

Serial No.	Description of Documents	Pages
Docket Orders	—	1
objection sheet	—	22
Interim Orders	—	—
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Orders in (Final Orders)	10-9-97	23-28-32

388
30/9/97
Signature of
Dealing Hand
(In Record Section)

Certified that the file is complete
in all respects.

Signature of S.O.

Part III and II
Destroyed

P. Siva
16/3/11

Contra; 1 Administrative Tribunal Hyderabad Bench; Hyderabad.

C.A. No. 1217 of 1997.

L. Rajashukheran & 2 others Applicant(s).

VERSUS.

The Telum Dist. Manager, Warangal & another
(Respondents).

Date	Office Note.	ORDER
10.9.97		<p>O.A. disposed of at admission stage.</p> <p>Order vide separate sheet.</p> <p>MD</p> <p><i>[Signature]</i> HHRP MA</p>

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD

ORIGINAL APPLICATION NO. 1217 OF 1997.

L. Raghunathan & 22.05.

(Applicants(s))

VERSUS.

Union of India, Repd. by.

Telham District Manager,

Warangal Sanv

Respondent(s).

The application has been submitted to the Tribunal by
Shri M/S. K. Vasudeva Reddy Advocate/~~party-in~~
person Under Section 19 of the Administrative Tribunal
Act, 1985 and the same has been scrutinised with reference
to the points mentioned in the check list in the light of
the provisions in the administrative Tribunal (procedure)
Rules 1987.

The application is in order and may be listed for
Admission on -----

4/9/97
Scrutiny Asst.

Arith
DEPUTY REGISTRAR (JUDL)

11. Have legible copies of the annexure duly attested been filed. Yy
12. Has the applicant exhausted all available remedies. Yy
13. Has the Index of documents been filed and pagination done properly. Yy
14. Has the declaration as required by item No. 7 of Form. I been made. Yy
15. Have required number of envelopes (file size) bearing full addresses of the respondents been filed. Yy
16. (a) Whether the relief sought for, arise out of single cause of action. Yy
(b) Whether any interim relief is prayed for. Yy
17. (c) In case an MA for condonation of delay is filed, is it supported by an affidavit of the applicant. —
18. Whether this cause be heard by single Bench. Yy
19. Any other points. —
20. Result of the Scrutiny with initial of the scrutiny clerk.

Q 49/51
Scrutiny Assistant.

May be numbered 1d.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

Case No. 2778/97

Report in the Scrutiny of Application.

Presented by Sh. K. Vasudeva Reddy Adv Date of Presentation.

Applicant(s) L. Rajashukumar, Sr. In 1-9-97

Respondent(s) The Telecom Distt Manager, Warangal & Sr In

Nature of grievance Productivity Linked Bonus.

No. of Applicants 23 No. of Respondents 2

PL Bonus CLASSIFICATION.
Subject.....No Department.....Telecom.....(No) 11

1. Is the application in the proper form,
(three complete sets in paper books form
in two compilations). Yy
2. Whether name description and address of all the
parties been furnished in the cause title. Yy
3. (a) Has the application been fully signed and verified. Yy
(b) Has the copies been duly signed. Yy
(c) Have sufficient number of copies of the application
been filed. Yy
4. Whether all the necessary parties are impleaded. Yy
5. Whether English translation of documents in a language
other than English or Hindi been filed. Yy
6. Is the application on time, (See Section 21). Yy
7. Has the Vakalatnama/Memo of Appearance/Authorisation
been filed. Yy
8. Is the application maintainability.
(U/S 2, 14, 18, or U/R. 8 Etc.,) Yy
9. Is the application accompanied IPO/DD, for Rs.50/- Yy
10. Has the impugned orders original, duly attested legible
copy been filed.

No impugned order
P.T.O.,

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BRANCH, HYDERABAD

I N D E X S H E E T

O.A. NO. 1217 OF 1997.

CAUSE TITLE L. Rajashulcheran & att

V E R S U S

In Tehsil Dist. Manager, Warangal & att

SL.NO.	Description of documents	Page No.
1.	Original Application	1 to 8
2.	Material Papers	9 to 19
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4.	Objection Sheet	-
5.	Spere Copies 2 (Two)	
6.	Covers 2, A	

2

IN THE
Swiss

PL Bonus

..Applicants

Table 11

..Respondents

दूर संचार TELECOM

e apply
 Central Administrative Tribunal
 RECEIVED
 1 SEP 1997
 2778
 Hyderabad Bench

APPLICANTS

1) L. Rajashekar	15	EA Sun
2) V Vijay Kumar		
3. Am. Srinivasa Charyulu	16	in Breakfast
4. <u>My</u>	17	<u>Qth</u>
5 <u>Chintu</u>		
6 T. D. Ant	18	EA 13
7 <u>Redd</u>	19	hunch
8 <u>Ramesh</u>		
9 <u>Sankar</u>	20	VB Chary
10 <u>Y</u>	21	<u>SK</u>
11 <u>Wah</u>	22	TL Srinivasa Chary
12 <u>Ram Chary</u>	23	<u>Pragat</u>
13 <u>PR</u>		
14 <u>Sankar Lin</u>		

Recd
Gr 1992
P. N. R. Denny

Barney
Counsel for applicants

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

O.A.NO. 1217 of 1997

Between

L.Rajashekharan & 22 others.. .. Applicants

And

Telecom District Manager,
Warangal.
and another..

.. Respondents

STATEMENT OF CHRONOLOGICAL EVENTS

Date/Year	event	PNO.
10.9.1982	.. Paper notification for post of Telephone Operator (Spl. Recruitment for 1983) and Applicants applied for the same	..
1983	.. Training imparted and kept under (Reserved Trained Pool and their services utilised as SDTO from Sept.1983 to Sept.1987	..
-	.. Applicants services are regularised and they are working even as on today	..
-	.. Applicants are selected on merits and qualification basis as per rules and regulations but were not fixed in Pay-scale on par with other regular Operators but were paid only on Hourly basis till their regularisation.	..
--	.. Respondent didnot paid the allowances such as- Productivity Linked Bonus, as was paid to other regular Telephone Operators.	..
27.9.1996	.. Representation was submitted by the applicant but no reply.	...

Hyderabad

Dated:



COUNSEL FOR APPLICANTS

4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::ADDL. BENCH

AT HYDERABAD

(FILED UNDER SECTION 19 OF ADMINISTRATIVE TRIBUNAL
ACT, 1985)

O.A. No. 1217/1997

Between:

1. L. RAJASEKHARAN, S/o. Mallaiiah, aged about 40 yrs, T.O.A., In O/o. SDOT, Mulugu, Warangal Dt.
2. V. VIJAYAKUMAR, S/o. Late Venkateshwarlu, aged about 33 yrs, TOA, Telecom Dept., Warangal.
3. A.M.SRINIVASA CHARYULU, S/o. Late. M.Venkata Ramanuja Charyulu, aged about 32 yrs, TOA, Telecom Dept., Warangal.
4. P.PRAVEENKUMAR, S/o. Venkateshwar Rao, aged about 34 yrs, TOA, Telecom Dept., Warangal
5. Ch. UPPALAIAH, S/o. Rajaiah, aged about 35 yrs, TOA, Telecom Dept., Warangal Dt.
6. T. DAYAKAR, S/o. Kotaiah, aged about 36 yrs, TOA, Telecom Dept., Warangal
7. A.PRABHAKAR REDDY, S/o. Linga Reddy, aged about 35 yrs, Telephone Operator, O/o. SDOT, Narsampet, Warangal dt.
8. K. RAVIPRASAD, S/o. K.Satyanarayana, aged about 34 yrs, Telephone Operator, Telecom Dept., Warangal.
9. A. RAMULU, S/o. Rajamallu, aged about 33 yrs, Telephone Operator, Telecom Dept., Warangal.
10. G.YELLAIAH, s/o. Venkataiah, aged about 33 yrs, TOA, Telecom Dept., Warangal.
11. K.RAVINDER, S/o. Neeresham, aged about 35 yrs, T.O. Telecom Dept., Warangal.
12. K. RAM MOHAN, S/o. Somaiah, aged about 32 yrs, working as Telephone Operator at Warangal, TDM, Warangal Dt.
13. P. SREEDHAR, S/o. Chandraiah, aged about 34 yrs, working as Telephone Operator at Warangal, TDM Warangal Dt.
14. A. SAMBA MURTHY, S/o. Late Venkat Ramulu, aged about 34 yrs, working as Telephone Operator, in O/o. Telecom Dept., Warangal, TDM, Warangal Dt.
15. E. ASHOK, S/o. Soma Narsaiah, aged about 32 yrs, working as Telephone Office Asst., Telecom Dept., TDM, Warangal Dt.
16. M. PRAKASH, S/o. Malleshham, aged about 33 yrs, TOA, Telecom Dept., TDM, Warangal.
17. U. GURUMURTHY, S/o. Mallaiiah, aged about 32 yrs, Telephone Operator, Telecom Dept., TDM, Warangal
18. E.RAVINDER, S/o. Venkataiah, aged about 34 yrs, TOA, Telecom Dept., Warangal.

(...2/-)

19. M. RAMESH BABU, S/o. Rajamouli, aged about 37 yrs, Telephone Operator, O/o. SDOT, Mulugu, Warangal Dt.
20. V.V.BRAHMA CHARY, S/o. Ramanachary, aged about 34 yrs, Telephone Operator, Telecom Dept., Warangal.
21. S.KOMURIAH, S/o. Yakiah, aged about 38 yrs, Telephone Operator, O/o. SDOT, Mulugu, Warangal Dt.
22. T. LAXMINARAYANA, S/o. Venkatanarasiah, aged about 36 yrs, Telephone Operator, O/o. SDOT, Mulugu, Warangal Dt.
23. P.NAGA PRASAD, S/o. Venkata Rangiah, aged about 36 yrs, Telephone Operator, O/o. SDOT Mehaboobabad, Warangal Dt.

...APPLICANTS

A N D

1. The Telecom District Manager, Warangal.
2. The General Manager, Telecom, Warangal Area, Warangal.

...RESPONDENTS.

DETAILS OF APPLICATION

1. (a) PARTICULARS OF APPLICANTS : As Shown in the cause-title.
(b) ADDRESS FOR SERVICE : M/s. K.VASUDEVA REDDY & OF ALL NOTICES & PROCESSES : S.V.SURYANARAYANA, Advocates, 4-5-592, Near Badichowdi, Vegetable Market, Kutbiguda, Hyderabad.
2. ADDRESS & PARTICULARS OF: As shown above in the RESPONDENTS cause-title.
3. ORDER AGAINST WHICH THIS APPLICATION IS MADE : So far no impugned order : is passed by the Respondents.
(b) SUBJECT MATTER IN BRIEF: : Applicants are questioning the action of the Respondents in not paying the Productivity Linked Bonus for the period they worked as RTP/SDTO on par with other similarly situated Employees.
4. JURISDICTION : It is to submit that ~~the~~ all the applicants are working in the Warangal District, as such this Hon'ble Tribunal is having Jurisdiction to entertain this O.A. filed u/s. 14 of Administrative Tribunal Act, 1985.

5. LIMITATIONS

: Applicants further submits that this Application's matter is filed well within the Limitation prescribed under Sec.21 of Administrative Tribunal's Act, as cause of action is in continuous.

6. FACTS OF THE CASE:-

a) It is to humbly submit that in pursuance of Paper Notification dt. 10-9-1982 for the posts of Telephone Operator (Special Recruitment for 1983), applicants have applied for the posts of Telephone Operators in Karimnagar District. Accordingly, applicants were selected for the posts of Telephone Operator and they were given training. Though sufficient number of posts were available, they were denied of regular appointment, instead ~~of~~ all the applicants were kept in "Reserved Trained Pool", and their services were utilised as 'Short-duty Telephone Operators' from September, 1983 to September, 1987. Thereafter, services of all the applicants were regularised. Since then, all ~~xx~~ of them have been working even as on today. Exact dates of their service particulars are furnished in Annexure-I filed along with this O.A. which may also be treated as part and parcel of this O.A. for proper appreciation of the facts.

b) It is to submit that all the applicants were selected as per the rules and regulations provided for the selection and were selected on the basis of merits and qualifications. But, subsequent to their selection, applicants were not fixed in pay-scale on par with other Telephone Operators. But, they were paid on hourly basis till the date of their regularisation.

Further, the respondents also did not paid any other allowances, such as Productivity Linked Bonus, as was paid to other regular Telephone Operators.

(c) It is to submit that applicants had worked more than 8 hours per day during the period from 1983 to 1987 and worked more than 240 days in each and every year from the date of their recruitment as RTP / ~~SDTO~~ SDTO till the date of their regularisation of their services. The Respondents have not paid the Productivity Linked Bonus to the applicants, as was paid to regular Telephone Operator, though they are entitled for the same for the period of their work as RTP/SDTO applicable to the regular Telephone Operators. It is further submitted that, some of the similarly placed RTP/SDTOs have filed O.A.No.612/89 & O.A.No.171/89 before Ernakulam Bench of this Hon'ble Tribunal; and this Hon'ble Tribunal directed the respondents to pay Productivity Linked Bonus to the applicants therein @ applicable to the regular employees. In the light of the above Judgement, this Hon'ble Tribunal also disposed of the O.A. Nos. 1493/94 Dt.25-11-94, 312/95 Dt.15-3-1995, 458 & 484/94 Dt.28-4-1994, 1423/94 and 643/95 Dt.10-5-1995, 611/94 dt. 31-5-94 & 1103/97 dt. 22-8-97; directing the respondents to pay the Productivity Linked Bonus to the applicants therein. Apart from the above, this Hon'ble Tribunal also disposed of many other OAs with similar direction. Applicants herein also working as Telephone Operators and in the light of the above judgement rendered by this Hon'ble Tribunal

and also the Ernakulam Bench of this Hon'ble Tribunal, applicants herein also entitled for the same benefits. Unfortunately, the respondent authorities are not willing to pay the Productivity Linked Bonus to the applicants, as they did not obtain any order from this Hon'ble Tribunal.

d) It is to submit that previously applicants approached the Respondents for payment of Productivity Linked Bonus, but the IInd respondent used to assure the applicants that they will be paid the same along with the applicants in OAs No643/95. The applicants in O.A. 643/95 were paid the Productivity Linked Bonus on 13-6-1997 vide letter No.TA/LC/5-340-95 dt. -5-97 issued by the 1st respondent, but the applicants were not paid the same on the pretext that as the applicants did not obtained any order from this Hon'ble Tribunal. It is to submit that applicants in all other OAs are similarly situated like the applicants. Especially, applicants in O.A. No.643/95, who are also appointed against the same Notification and worked as RTP/SDTO for the same period i.e. from 1983 to 1987, are working in the same Dept., under the 1st respondent, along with the applicants herein in the similar circumstances though all of them were paid the productivity Linked Bonus, the applicants herein are denied of the same, only on the ground that they have not obtained any order from this Hon'ble Tribunal on this regard.

e) In these circumstances, applicants submitted representations dated 27-9-1996¹⁰ requesting for payment of 'Productivity Linked Bonus' , but so far no orders are passed compelling the applicants to approach this Hon'ble Tribunal.

f) It is to submit that applicants herein have discharged the duties of regular employees for more than 8 hours per day as RTP/SDTO for more than 3 years i.e. from 1983 September onwards. When all other similarly situated persons are being paid the Productivity Linked Bonus till recently, there is no justification in denying the same to the applicants herein. As such, applicants are entitled for the Productivity Linked Bonus for the period they worked as RTP/SDTO.

7. RELIEF SOUGHT FOR:-

In view of the facts mentioned in Para-6 ~~of~~ above, the applicants pray that this Hon'ble Tribunal may be pleased to:-

- i) Declare the applicants are entitled for the benefit of Productivity Linked Bonus for the period of RTP/SDTO already they had worked @ applicable to the Regular Telephone Operators during the period of RTP/SDTO i.e from the date of Recruitment as 'RTP/SDTO' to the date of regularisation;
- ii) Direct the respondent herein to grant the Productivity Linked Bonus for RTP/SDTO period as the applicants had worked already at the rate applicable to the regular Telephone Operators and pay the same to the applicants immediately;

(iii) And pass any such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

8) INTERIM RELIEF:-

Pending disposal of the O.A. it is further prayed that this Hon'ble Tribunal may be pleased to direct the respondents herein to grant the Productivity Linked Bonus for RTP/SDTO period as the applicants had worked already at the rate applicable to the regular Telephone Operators and pay the same to the applicants immediately; and pass any such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

9. DETAILS OF THE REMEDIES EXHAUSTED:-

The applicants declares that they have no other alternative effective remedy except to approach this Hon'ble Tribunal for redressal of their grievance.

10. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY COURT :-

It is to submit that applicants have obtained neither any order nor ~~pending~~ the same is pending either from this ~~xxx~~ Hon'ble Tribunal or any other Court on same subject matter on which the present O.A. is filed.

11. PARTICULARS OF I.P.O. IN RESPECT OF APPLICATION FEE:-

- i) IPO No. 8/12/545045 ~~Sub~~ 581-
ii) Name of Issuing Post Office;
iii) Date of Issue of Postal Order:
iv) Post office at which payable: C/o 14th, 1/6/501-A

(...8/-)
D.O. B. B. B. Remover

12. LIST OF ENCLOSURES:-

- | | |
|------------------------|--------------------------------------|
| i) Vakalat | (ii) Indian Postal Order |
| iii) Material papers & | (iv) Covers, Pads & Acknowledgements |

VERIFICATION

We, the applicants herein above, working as 'TOA' in the Office of XDR, X Telecom Dept., Warangal Dist., do hereby verify that the contents of the paras-1 to 6 are true to our personal knowledge and belief and paras 7 to 12 are believed to be true on legal advise and that we have not suppressed any material facts before this Hon'ble Tribunal. Hence verified.

APPLICANTS

- | | |
|----------------------------|--------------------|
| ① L. Rajashekhara | ⑮ E. Asm |
| 2. V. Vijay Kumar | |
| 3. Am. Srinivasa Chennayya | ⑯ M. Pradeep |
| 4. <u>Mue</u> | ⑰ <u>Q. H.</u> |
| 5. Chintu | |
| 6. T. D. <u>u</u> | ⑱ E. H. |
| 7. <u>Asal</u> | ⑲ <u>Asal</u> |
| 8. <u>Ramesh</u> | ⑳ V. B. Chary |
| 9. <u>Amma</u> | |
| 10. <u>L. Jellai</u> | ㉑ <u>S. Kumar</u> |
| 11. <u>U. R. H.</u> | ㉒ T. Laxminarayana |
| 12. <u>H. Santoshan</u> | ㉓ <u>M. Ramesh</u> |
| 13. <u>ASB</u> | |
| 14. <u>H. Sankar</u> | |

Asm
Counsel for applicants

9

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ANNEXURE-I

STATEMENT SHOWING SERVICE PARTICULARS OF APPLICANTS

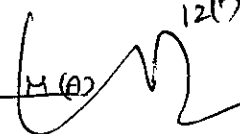
S.No.	NAME OF APPLICANT	NOTIFI- CATION YEAR	TRAINING PERIOD		REGULARI- SATION
			FROM	TO	
<hr/>					
	<u>S/Shri</u>				
1.	L.Rajasekharan	1981	Feb.83	Aprl.83	Sept.1987
2.	V.VIJAYAKUMAR	1982	Feb.83	Aprl.83	Sept.1987
3.	A.M.Srinivasa Charyulu	1982	Feb.83	Aprl.83	Sept.1987
4.	P.Praveen Kumar P.Praveen Kumar	1982	Feb.83	Aprl.83	Sept.1987
5.	Ch. Uppalaiah	1982	Feb.83	Aprl.83	Sept.1987
6.	T.Dayakar	1982	Feb.83	Aprl.83	Sept.1987
7.	A.Prabhakar Reddy	1982	Aug.83	Oct.83	Sept.1987
8.	K.Ravi Prasad	1982	Aug.83	Oct.83	Sept.1987
9.	A.Ramulu	1982	Aug.83	Oct.83	Sept.1987
10.	G.Yellaiah	1982	Aug.83	Oct.83	Sept.1987
11.	K.Ravinder	1982	Aug.83	Oct.83	Sept.1987
12.	K.Rammohan	1982	Feb.83	Aprl.83	Sept.1987
13.	P.Sreedhar	1982	Feb.83	Aprl.83	Sept.1987
14.	A.Sambamurthy	1982	Feb.83	Aprl.83	Sept.1987
15.	E.Ashok	1982	Feb.83	Aprl.83	Sept.1987
16.	M.Prakash	1982	Feb.83	Aprl.83	Sept.1987
17.	U.Gurumurthy	1982	Feb.83	Aprl.83	Sept.1987
18.	C.Ravinder	1982	Feb.83	Aprl.83	Sept.1987
19.	M.Ramesh Babu	1981			March-1983
20.	V.V. Brahmachary	1981			March-1983
21.	S.Komuraiah	1982	Feb.83	Aprl.83	Sept.1987
22.	T.Laxminarayan	1981	Feb.83	Sprl.83	Sept.1987
23.	P.Naga Prasad	1982	Aug.83	Oct.83	Sept.1987

/ true copy /



M. A. 819/98
OA 1212/97

Pre-delivery judgement dictated
by Hon'ble Shri B.S. Tai Parameshwar, H(U)
for your kind perusal.

~~H BSTD, H(U)~~ JL
12/7
HRRN, H(U) 

Ch. Sreedhar
12/7

To be posted on 14.7.99

JL

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

O.A. No.611 of 1997

DATE : 31-5-1994

Between:

T.Divakar Babu

.. Applicant

and

1. Superintendent of Post Offices,
Anantapur Division, Anantapur
2. Post Master General,
A.P.Southern Region, Kurnool-5

.. Respondents

COUNSEL FOR THE APPLICANT : Sri Krishna Devan

COUNSEL FOR THE RESPONDENTS : Sri Devraj Sr. CGSC

CORAM : THE HON'BLE A.B.GORTHI, MEMBER (A)

ORDER PASSED BY : HON'BLE A.B. GORTHI, MEMBER(A)

In this application the relief claimed by the applicant is for declaration for his entitled to productivity linked Bonus at the rate applicable to the regular RTP PAs from 19-3-1983 to 8-3-1989 and to direct the respondents to pay that sum to him.

Applicant was selected for appointment as Postal Asst. But, initially offered appointment as Reserved Trained Pool Postal Assistant (RTP PA). He worked in that assignment from 19-3-1983 to 23-5-1989 after having undergone the required job orientation Training. On 9-6-1989 he was given regular Postal Appointment. The applicant claims that he have been worked for more than 240 days in each year during the period from 1983 to 1989 he is entitled to Productivity Linked Bonus at the rate of as is applicable to regular Postal Assistants.

Heard the Learned Counsel for both the parties. Shri Krishan Dev, Learned Counsel for the applicant has drawn our attention to a Judgement of the Ernakulam Bench of the Tribunal in a similar matter. In that case it was held that the R.T.P. Postal Assistants 240 days of service in each year ending 31st March would be entitled to Productivity Linked Bonus. It was further, held that the Arrears of Productivity Linked Bonus would be based on the average monthly emoluments determined by dividing the total emoluments for each accounting year of eligibility by 12 and subject to the condition of the scheme prepared from time to time. Shri N.R.Devraj learned Counsel for the respondents has drawn our attention to the Counter Affidavit filed by the Respondents in the O.A. various averments made in the Counter are similar to those which come up for ~~the~~ consideration before the Ernakulam Bench of the Tribunal in O.A.No.171/89. As the applicant herein is similarly situated as the applicants in the Case O.A.No.171/89 decided by the Ernakulam Bench of the Tribunal. We see no reason why the applicant should not be given the similar relief.

::3::

Consequently we allow this O.A. at the admission stage itself with direction to the Respondents to grant to the applicant same benefit granted by the Ernakulam Bench of the tribunal in the aforesaid case. The respondents shall comply with this Order within a period of 3 months from the date of communicating this Order.

No Order is to costs.

Sd/-
REGISTRAR

To

1. The Superintendent of Post Offices
Anantapur Division, Anantapur.
2. The Post Master General,
A.P.Southern Region, Kurnool-5

copy to:--
xx xx xx

// ~~xxx~~ true copy //

[Handwritten signature]

15

19

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD
O.A. No. 312/95

Date of Order 15-3-8 95

1. A.Kushal Rao
2. N.Veena Devi
3. M.Saraswathi
4. V.sandhyasri
5. V.S.Prabhakar
6. K.Annapurana
7. Mohd. Farooq Ahmed
8. M.Kishan

... Applicants

Vs.

1. Sr. Superintendent Telegraph Traffic
Hyderabad Division, Hyderabad
2. The Chief Superintendent of Central Telegraph
Office, Hyderabad
3. The Supdt., Telegraph Traffic, Guntur Division,
Guntur
4. The Supdt. of Telegraph Traffic, Warangal Division,
Warangal.
5. The Chief General Manager, Telecommunications,
A.P. Hyderabad.
6. The Director General, Telecommunications,
Dept. of Telecommunications, rep. by Govt. of
India, New Delhi.
7. The Director, Telegraph Traffic, A.P. Circle,
Hyderabad.

... Respondents

Counsel for the Applicants : Mr. K.Venkateswara Rao

Counsel for the Respondents : Mr. N.K. Devraj, Sr. CGSC

CORAM: THE HON'BLE SRI JUSTICE V. NEELADRI RAO: VICE CHAIRMAN
THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.)

JUDGEMENT

(As per Hon'ble Sri R.Rangarajan : Member (Admn.)

Head Sri K.V. Rao, Learned Counsel for the applicants
and Sri N.R. Devraj, learned Counsel for the respondents.

2. In this application dt. 23-2-95 filed U/s 19 of the A.T.Act, 1985, the applicants at Sl.No.1 to 7 who were working as Short ^Duty / RTPs Telegraph Assistants under the Chief Superintendent of CTO, Hyderabad and the applicant at S.No.8 was working as SD/RTPT under the control of Superintendent, Telegraph Traffic, Warangal Division, Hanamkonda, prayed for a declaration that they are entitled for the grant of PL Bonus at the rates applicable to the regular postal / sorting assistants between the period from 1981 to 1990, and for further direction to pay the arrears of bonus to which the applicants are eligible. The details such as

Joining duty as SD/RTPS Telegraph Assistants and their regularisation as Telegraph Assistants are shown in Annexure-1 filed along with this O.A.

3. The applicants stated* that they were selected after qualifying in the examination prescribed for it and performed qualitatively and quantitatively the same work as that of regular Telegraph Assistants whenever * they were engaged intermittently against the regular Sorting Assistants. By denying them the benefit of P.L. Bonus during the periods mentioned in Annexure A.1 filed with this O.A. When they worked as SD/ RTPs Telegraph Assistants, allowed by the D.G. Dept. of Posts letter dt. 5-10-88, they have 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. This O.A. No.171/89, dt. 18-6-90 on the file of Ernakulam Bench was decided on the basis of the decision in O.A. 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 PL Bonus. It was further held in that OA that RTP candidates like casual labourers are entitled to PL Bonus if they have put in 240 days of service each year ending 21st March for 3 years or more. It is 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 such accounting year of eligibility by 12 and subject to other conditions prescribed from time to time.

5. Similar orders were also passed by this Tribunal in O.A. no.455/94 dt. 28-4-94 where the applicants are similarly situated to that of the applicants in o.A 171/89 of the Ernakulam Bench, Similar orders were also passed by this Tribunal in OA No.484/94, dt.28-4-94 and O.A. 611/94 dt. 31-5-94 and in OA 1423/94 dt.5-11-94 of this Bench where the applicants are similarly to that of the applicants in OA 171/89. As the applicants

(...3/)

17

;: 3 ::

herein are in the same situation at the applicants in OA 171/89 decided by the Ernakulam Bench, and in OA Nos. 458/94, 611/94 and 1423/94 of this Bench, we seek no reason in not extending the same benefit to the applicants in this OA also. Learned Counsel for the respondents also fairly submitted that this case is covered by Judgements quoted above.

In the result, this application is allowed with a direction to the respondents to grant to the applicants the same benefit as granted by Ernakulam bench and this Bench of the Tribunal in the aforesaid cases quoted in para 5 above. The direction should be complied within a period of 3 months from the date of communication of this order.

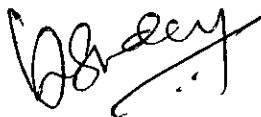
The OA is ordered accordingly. No costs.

CERTIFIED TO BE TRUE COPY

DATED Sd/-

Court officer
Central Administrative Tribunal
Hyderabad Bench,
Hyderabad.

/ true copy /



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT HYDERABAD

O.A.NO. 643 of 1995

Between

1. Narasimha Rao M.
2. Yogender
3. Ch.Damodar
4. M.Satyanarayana
5. Ch.Mundaiah
6. V.Sharathchander rao
7. Ch.Kishan raju
8. D.Srinivasa Murthy
9. N.Anandam
10. V.Sahadev
11. G.Pramila
12. Kaluvala Yellaiah

... Applicants

And

1. Telecom District Engineer Karimnagar

.. Respondents

Counsel for the Applicants : Mr.K.VASUDEVA REDDY

Counsel for the Respondent : Mr.N.R. Devraj, Sr.CGSC

CORAM : THE HON'BLE SHRI A.B. GORTHI : MEMBER(A)

The Tribunal made the following O R D E R:

(AS PER HON'BLE SRI A.B. GORTHI : MEMBER(A))

The applicants were initially appointed as RTP Postal Assistants in Mahaboobnagar District some time during 1981-84. They were subsequently regularised on various dates between 1983-1990. Their claim in this O.A. is for a direction to the respondents to pay them Productivity Linked Bonus for the period that they worked as RTP/SD Postal Assistants.

2. Heard learned Counsel for both the parties. Mr. K. Vasudeva Reddy, Learned Counsel for the applicant has drawn my attention to the judgement in O.A. 611/94 dated 31.5.1994 wherein relief was granted to similarly situated applicants.

3. In view of the above this O.A. is also allowed at the admission stage itself and the respondents are directed to grant the applicants the same benefits as given to those in O.A. 611/94. The respondents shall comply with this order within a period of three months from the date of communication of the same. No Order as to costs.

Sd/-

DEPUTY REGISTRAR (O)

To

The Telecom District Engineer, Karimnagar

copy to:--xx xx

// true copy //

Vasudeva

GOVT. OF INDIA

Date Mins. of Commns.

DEPARTMENT OF TELECOMMUNICATIONS

OFFICE OF THE CHIEF GENERAL MANAGER TELECOM: A.P. CIRCLE: HYDERABAD-1

Lr. No. TA/LC/5-82/95

Dated at HD the 17-4-1996

To

1. The General Manager,
Hyderabad Telecom District
Suryalok Complex,
Gunfoundry, Hyderabad.
2. The General Manager Telecom,
Warangal Area,
Warangal.

Sub; O.A. No. 312/95 filed by Shri A. Kushal Rao & others -
forwarding of Judgement and DOT-ND letter for
implementation - reg.

...

Shri A. Kushal Rao & others, Telegraphists, filed O.A. No. 312/95 against the Department before C.A.T. Hyderabad in connection with payment of Productivity Linked Bonus for the RTP/Short Duty Period rendered by them.

The Hon'ble CAT, Hyderabad disposed off the above OA in favour of the Applicants. The claim of the applicants in the above case pertains to policy matter.

On a reference, the DOT, New Delhi instructed this Office to implement the Judgment of CAT, Hyderabad in OA No. 312/95 to the applicants only subject to the outcome of the S.L.P. being filed.

In this connection copies of the following documents / letters are enclosed herewith for taking immediate action and report compliance.

1. Judgement of CAT, Hyd, in O.A. No. 312/95
2. Order dated 27-12-95 in C.P. No. 115/95 in O.A. No. 312/95
3. DOT-ND Lr. No. 6/21(13)/96-PAT dated 10-4-1996.

THE MATTER MAY BE GIVEN "TOP-PRIORITY".

Encl: As above


Sd/-

ASST. GENERAL MANAGER (Admn.)
for CHIEF GENERAL MANAGER: TELECOM: AP

C.C. TO:

1. The Chief Superintendent, Central Telegraph Office, Hyd
for favour of information and immediate necessary action.
2. The Superintendent of Telegraph Traffic, Warangal Traffic
Div. Hanamakonda, for infor. & n/a
3. The Telecom District Manager, Nizamabad, - for information
& necessary action.

/ true copy /



GO I

MINS. OF COMMS.

TELECOMMUNICATIONS :: ANDHRA PRADESH

Office of the Director, Telecommunications, Warangal Area,
Warangal-506 012

No. TAW/RE/Trg.Tops/83-84

Dated at Warangal the
26-7-1983

To

Sri K.Ravi Prasad

Sub: Training of Telephone Operators.

You are hereby directed to report to the Divisional Engineer, Telecommunications, Warangal for Telephone Operators Training which is commencing from 1-8-1983 with the following particulars.

2(a) A Fidelity Bond for Rs.390/- (Rupees Three hundred & Ninety only) issued by United India Insurance (Fire & General) Co., agreeing to serve the Department for a period of five years

(OR)

(b) You have to furnish a Security for an amount of Rs.390/- (Rupees Three hundred and Ninety only) in the Shape of Cash Deposit or Deposit in the savings bank Account pledged to the D.E. Telecom., Karimnagar.

3. Health Certificate and Declaration form obtained from a Medical Officer not below the rank of a Civil Surgeon of Govt. Hospital as per the proforma enclosed.

4(a) Please note that this is not an offer of appointment. You will be considered for appointment as Telephone Operator in the Department, after successful completion of Training depending on vacancies and also if you are found fit for Government service in all respects.

(b) You will be removed at any time from the training class, if anything is found unsuitable due to any reasons.

5. If you do not qualify in the test or in the Training Course, your training will be extended further and for this period of extended training no stipend will be paid to you.

6. You will be paid a stipend of Rs.130/- (Rupees One hundred and thirty only) consolidated per month as training allowance.

7. No Travelling Allowance will be paid for joining the Training.

8. If you fail to join the training class as stipulated, at Warangal on 1-8-1983, your name will be deleted from the list of select candidates.

Sd/-

(NVPK PRASAD)

Assistant Director(Personnel)
for Director, Telecom, Warangal-42

C.C. to the personal file of the candidates.

/ true copy /

[Signature]

Dated: 27-9-1996

To

The General Manager,
Telecom,
Warangal.

Respected Sir,

We, the undersigned, beg to submit the following few lines for your kind consideration. We have commenced our training in February 1983 and our training period was ended in April, 1983. Thereafter, though there were clear vacancies, we were not appointed on regular basis, instead we were asked to work as 'Short-duty Telephone Operators', keeping us in RTP. But we were regularised in 1987.

We submit that all of our colleagues were paid the Productivity Linked Bonus upto 1987, we were not paid the same, though we have worked more than 8 hours per day and we have put in at least 260 days of work each year upto 1987. We submit that, though we have approached your benign authority for payment of Productivity Linked Bonus, nothing resulted positively, whereas, other employees, who approached the C.A.T., has got the favourable orders and we understand that such of those employees, who got the orders from Hon'ble C.A.T. were paid the Bonus. Recently, M/s.A.Kushal Rao & ~~xxx~~ others, filed O.A. No. 312/95 and obtained the favourable orders. Accordingly, we understand, they were paid the Bonus as per the directions of the Hon'ble C.A.T.

As we are also similarly situated like Shri A.Kushal Rao and others, we request you to pay the Productivity Linked Bonus for the period from February, 1983 to September, 1987, during the period of our service as "Short Duty Operators".

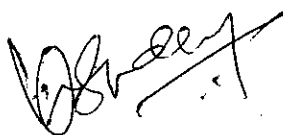
Thanking you,

Yours Sincerely,
(As attached hereunder)

1. K. RAM MOHAN /
2. P.SREEDHAR /
3. E. ASHOK /
4. M.PRAKASH /
5. A.SAMBA MURTHY /

6. U. GURUMURTHY ✓
7. V. VIJAYA KUMAR
8. L. RAJASEKHARAN
9. A.M. SRINIVASA CHARYULU
10. CH. UPPALAIAH
11. P. PRAVEEN KUMAR
12. T. DAYAKAR ✓
13. S. KOMURIAH ✓
14. C. RAVINDER
15. LAXMINARAYANA
16. P. NAGA PRASAD
17. K. RAVI PRASAD ✓
18. A. PRAEAKAR REDDY ✓
19. A. RAMULU ✓
20. G. YELLAIAH ✓
21. K. RAVINDER ✓
22. M. Ramesh Babu
23. V.V. Brahma Chetty

/ true copy /



CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

O.A. REGD. NO 2778/97

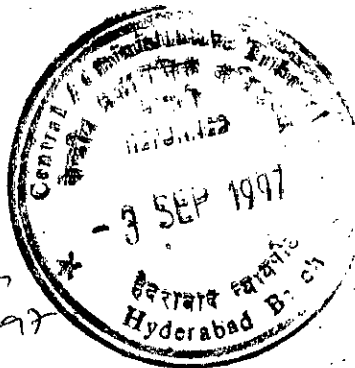
Date: 3.9.97

To M/s. K. Vasudeva Ruddy, Adv.
Sir,

I am to request you to rectify the defects mentioned below in your application within 14 days from the date of issue of this letter, failing which your application will not be registered and action under Rule 5 (4) will follow.

1) whether Applicants no. 19 & 20 have submitted their grievance to the authority.
whether they have exhausted all the remedies or not.

2) Representations dt. - 6-1997 as mentioned in para 6(e) to be filed.



While filing, those two names were erroneously missed.
Actual date of representation is 29.7.96 not - 6.9.97
Hence typographical error has been corrected. Hence represented by order
4/9/97

DEPUTY REGISTRAR (JUDL)

3/9/97

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDER ABAD BENCH

CA 1217/97

Original Application No.

OASR 2778/97

10-9-97

DATE OF DECISION:

L. Rajashekharan & 22 Ors.

-----Petitioner(s)

Mr. K. Vasudeva Reddy

-----Advocate for the
Petitioner(s)

Versus

GM Telecom Warangal & anr.

-----Respondent(s)

-----Mr. Rajeswara Rao

-----Advocate for the
Respondent(s)

THE HON'BLE SHRI H. Rajendra Prasad, Member(A)

THE HON'BLE SHRI

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether the Judgement is to be circulated to the other Benches?

avl/

Judgement delivered by Hon'ble Shri H. Rajendra Prasad, M(A)

Q
le/4

24

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A. 1217/97

Date of decision: 10-9-1997

Between:

1. L.Rajasekharan
 2. V. Vijayakumar
 3. A.M.Srinivasa Charyulu
 4. P. Praveenkumar
 5. Ch. Uppalaiah
 6. T. Dayakar
 7. A. Prabhakar Reddy
 8. K. Raviprasad
 9. A. Ramulu
 10. G. Yeliaiah
 11. K. Ravinder
 12. K. Ram Mohan
 13. P. Sreedhar
 14. A. Samba Murthy
 15. E. Ashok
 16. M. Prakash
 17. U. Gurumurthy
 18. E. Ravinder
 19. M. Ramesh Babu
 20. V.V. Brahma Chary
 21. S. Komuraiah
 22. T. Laxminarayana
 23. P. Naga Prasad
- .. Applicants

-versus-

1. The Telecom District Manager
Warangal

...2/-

-: 2 :-

2. The General Manager
Telecom,
Warangal Area
Warangal

.. Respondents

Counsel for the applicant : Mr.K. Vasudeva Reddy

Counsel for the respondents : Mr.Rajeswara Rao

Coram:

Hon'ble Shri H. Rajendra Prasad, Member (A)

O R D E R

(Per Hon'ble Shri H.Rajendra Prasad, M(A))

Heard Mr. K. Vasudeva Reddy
for the applicants and Mr. Rajeswara Rao
for the respondents.

2. This OA has been filed seeking a
declaration that the applicants are entitled
to Productivity Linked Bonus for the periods
they worked as RTP/SDTO and accordingly to direct
the respondents to sanction the same at the rates

Q
u/a

...3/-

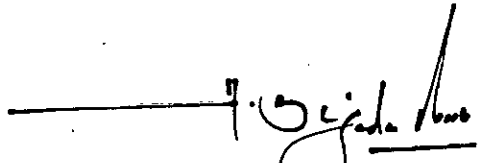
-: 3 :-

applicable to other regular employees of the department.

3. The facts of cases like the present one have been examined and adjudicated in several OAs and the main issues have to be taken as finally settled in the light of judgments already delivered earlier.

4. Respondent No.1 shall, therefore, have the claims of these applicants scrutinised for correctness of the basic data and dispose them of in terms of the order contained in OA 611/94 (decided on 31-5-94) and OA 312/95 (disposed on 15-3-95).
^{two of} Copies of these judgments can be found on page 10 and 12 respectively as annexures to the OA. A copy of the OA together with its annexures will be sent to respondent No.1 to facilitate processing of the claims. The admissible benefits flowing out of the facts of the case shall be calculated, sanctioned and disbursed within 120 days from the date of receipt of copy of this judgment.


5. Thus the OA is disposed of at the admission stage.


H. RAJENDRA PRASAD
Member (A)

MD

Dated 10th September, 1997

Dictated in the open court


Deputy Registrar

-4-

O.A.1217/97.

1. The Telecom District Manager,
Warangal.

2. The General Manager, Telecom,
Warangal Area, Warangal.

3. One copy to Mr.K.Vasudēva Reddy, Advocate, CAT.Hyd.

4. One copy to Mr.V.Rajeswar Rao, Addl.GSQ CAT.Hyd.

5. One copy to HHRP.(Member-Admn.) CAT.Hyd.

6. One copy to MR.(A) CAT.Hyd.

7. One spare copy.

pvm

888
25/9/97

I 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:- 10/9/97

~~ORDER~~/JUDGMENT.

M.A.,/RA.,/C-A.No..

in

O.A.No. 1217/97.

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.

