

11

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT : HYDERABAD

O.A.NO. 312 /95

Dated : 15.3.95.

1. A.Kushak Rao.
2. N.Veena Devi.
3. H.Saraswathi.
4. V.Sandhyasri.
5. V.S.Prabhakar.
6. K.Annapurna.
7. Mohd.Faqee Ahmed.
8. M.Kishan.

... APPLICANTS

A N D

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. 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.
8. The Director, Telegraph Traffic, A.P.Circle, Hyderabad.

... RESPONDENTS

Counsel for the Applicants : Mr.K.Venkateswar Rao.
Counsel for the Respondents: Mr.N.R.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.).

Beard Sri K.V.Rao, Learned Counsel for the applicants
and Sri H.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 RM/RTPTA under the control of Superintendent Telegraph Traffic, Warangal Division, Hanamkonda, prayed for a declaration that they are entitled for the grant of P.B.Bonus at the rates applicable to the regular Postal/Shorting Assistants between the period from 1981 to 1990, and for a further direction to pay the arrears of bonus to which the applicants are eligible. The Details such as joining as short duty as SD/RTPs telegraph Assistants and their regularisation as Telegraph Assistants are shown in Annexure-I filed along with this O.A.

128

3. The Applicants stated that they are selected after qualifying in the examination prescribed for it and performed qualitatively and qualitatively the same work as that of regular Telegraph Assistants whenever they were engaged interminately against the regular sorting Assistants. By denying them the benefit of P.F. Bonus during the periods mentioned in Annexure-A.1 filed with this O.A. when they worked as Short Telegraph Assistants allowed by the D.C., 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 prayed

4. The O.A. No. 121/89, dt. 18.5.90 on the file at Ennakulam Bench was decided on the basis of the decision in O.A. 622/89 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 m₂door in granting P.L. Bonus. It was further held that OA that RTP candidates like casual labourers are entitled to P.F. Bonus if they have put in 210 days of service each year ending ~~for~~ 31st March, for 3 years or more. It is further held in that OA that amount of P.F. Bonus would be based on their average monthly employments determined by dividing the total employments for each 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. 458/91, dt. 28.4.94 whereby applicants are similarly situated to that of the applicants in O.A. 171/89 of the Ennakulam Bench. Similar orders were also passed by this Tribunal in O.A. 484/89, dt. 28.4.94 and O.A. 611/94 dt. 31.5.94 and in O.A. 1423/94, dt. 25.11.94 of this Bench where the applicants are similarly placed to that of the applicants in O.A. 171/89. As the ~~gna~~ applicants herein are in the same situation as the applicants in O.A. 171/89 decided by the Ennakulam Bench, and in O.A. Nos. 458/91, 611/94 and 1424/94 of this Bench, we see no reason in not extending the same benefit to the applicants in this OA also. Learned counsel for the respondents also clearly submitted that this case is covered by judgements quoted above.

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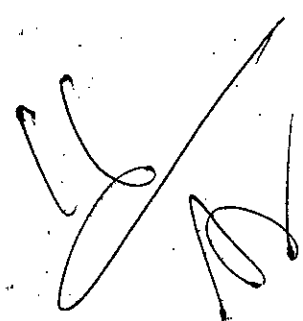
6. In the result, this application is allowed with a direction to the respondents to grant to the applicants the same benefit as ~~granted~~ granted by Ernakulam Bench and this Bench of the in the aforesaid cases quoted in para 5 above. The direction should be complied within a period of 3 months from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

7. The OA is ordered accordingly. No costs.

CERTIFIED TO BE TRUE COPY

Dated :

Court Official
Central Administrative Tribunal,
Hyderabad Bench,
Hyderabad.



A3/11C14

Dt. 23-5-1996

From:
A. Ravindranath,
Sr. T.O.A(TG),
T.C. Metpally,
Karimnagar-505325.

To
The Chief General Manager,
Telecom A.P. Circle, Hyderabad.

Respected Sir,

Sub: Productivity Linked Bonus - Payment
to RTP Telegraph Asst. A. Ravindranath.

Ref: Judgement delivered by Hon'ble CAT,
Ernakulam Bench in O.A.No.171/89, and
Hyderabad Bench in O.A.611/94 and OA
No.312/95. **

I submit that I was appointed as Telegraph Asst.
in 1982 and worked as such till I was regularised during 1988. I have been working on par with regular Telegraphists^{ASSI}
eversince my appointment as Short Duty Telegraphist.

There are several judgements delivered by Benches
of Hon'ble Central Admn. Tribunal in respect of paying pro-
ductivity Linked Bonus recently ending with the Judgement
of Hyderabad in O.A.No.312/95 dt.15-3-1995, supported by
Judgement of Ernakulam Bench in O.A.No.171/89 directing
payment of Productivity Linked Bonus to RTP Staff on par
with regular staff in O.A.No. 611/94 was filed by one Sri
T. Diwakarbabu Postal Asst. from Anantapur, Division. It
is also learnt that the arrears of productivity linked
bonus were paid in several postal and Telection Divisions.

I submit that I am also similarly placed as RTP
Staff working in Ernakulam and Anantapur Divisions and there-
fore covered by the Judgements. I therefore, request
you, Sir, to immediately order payment of Productivity
Linked Bonus on par with regular staff during the years
1982 to 1988 in due respect to the Judgement mentioned
above as I am entitled.

Yours faithfully,
Sd/-
(A. Ravindranath)
TOA(TG) TC Metpally,
Karimnagar.

//true copy//

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15

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1540/97

Date of Order : 18.11.97

BETWEEN:

A.Ravindranath

.. Applicant.

AND

1. The Chief General Manager,
Telecom, A.P.Circle,
Doorsanchar Bhavan,
Hyderabad.
2. The Director General, Telecom,
Department of Telecommunications,
New Delhi.
3. The Telecom District Manager,
Karimnagar, Karimnagar District,
Andhra Pradesh.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.K.Venkateswara Rao

Counsel for the Respondents

.. Mr.K.Ramulu

- - -

CORAM:

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

- - -

O R D E R

X As per Hon'ble Shri H.Rajendra Prasad, Member (Admn.) X

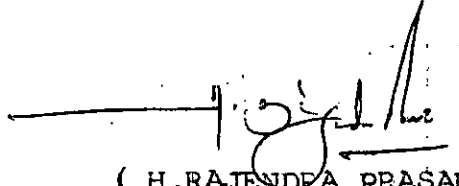
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Mr.K.Venkateswara Rao, learned counsel for the applicant
and Ms.Shama for Mr.K.Ramulu, learned standing counsel for the
respondents.

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18/11

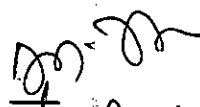
2. The facts of this case are amply covered by the judgement in O.A.1499/94 disposed of on 27.10.97. The said judgement was based on a decision of Honorable Supreme Court (1997 (5) Scale 304 Union of India and Another Vs. K.N.Siva Das and Others).

3. In view of the position contained in the said judgement the O.A. is dis-allowed at the admission stage and disposed of accordingly. No costs.


(H.RAJENDRA PRASAD)
Member (Admn.)

Dated : 18th November, 1997

(Dictated in Open Court)


Deputy Registrar

sd

O.A.1540/97.

To

1. The Chief General Manager,
Telecom, A.P.Circle,
Deersanchar Bhavan, Hyderabad.
2. The Director General, Telecom,
Dept. of Telecommunications,
New Delhi.
3. The Telecom District Manager,
Karimnagar, Karimnagar Dist.A.P.
4. One copy to Mr.K.Venkateswar Rao, Advocate, CAT.Hyd.
5. One copy to Mr.K.Ramulu, Addl.CGSC. CAT.Hyd.
6. One copy to HHRP.M(A) CAT.Hyd.
7. One copy to D.R.(A) CAT.Hyd.
8. One spare copy.

pvm

24/11/97

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:-

18/11/97

ORDER/JUDGMENT.

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

in

O.A.No.

1540/97

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.

With 8

केन्द्रीय प्रशासनिक न्यायिक निकाय
Central Administrative Tribunal

भारत / DESPATCH

21 NOV 1997

हैदराबाद बेंच
HYDERABAD BENCH