

# BSNL EMPLOYEES UNION

Recognised Union in BSNL

(Registered Under Indian Trade Union Act 1926. Regn.No.4896)

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BSNLEU/ 511 (Rectt.)

16.11.2017

To

Ms. Sujata T. Ray,  
Director (HR), BSNL,  
Bharat Sanchar Bhawan,  
Janpath, New Delhi – 110 001

Madam,

Sub: - **Extending the benefit of regularisation of RTP/Short Duty service ordered by various Courts for Il similarly placed officials - Request – req.**

This is to submit that courts have ordered regularization of the RTP/short duty service done before regular appointment in the ToA cadres. Following are some such directions of the CAT benches.

- a) The Ernakulum CAT, in its judgment dated 9.7.2010 in O.A No. 133 of 2009, has directed for regularizing the RTP (Reserve Trained Pool) service of 4 officials in Telephone Operator cadre, retrospectively from 1983. Out of 10 RTPs appointed in 1983 in Tiruvalla Division in Kerala Circle, 6 remained in the same Division and 4 opted for other divisions as per the circular issued by the Department in 1987. The 6 remained in Tiruvalla were subsequently regularized from 1983 retrospectively. But the 4 who opted for other Divisions were refused for regularization from 1983. The 4 officials filed the above said OA requesting for regularization from 1983 on par with the 6. The stand of the BSNL was that since they opted for other Divisions, they have no claim in Tiruvalla Division. The CAT did not agree since the Director Trivandrum has given administrative approval for creation of 10 vacancies vide No. AMS/04-38/83 dated 20.5.1983 with a rider that they should not be filled up until further orders. Subsequently, as said above, the 6 officials who remained in Tiruvalla were regularized from 1983. The Ernakulum CAT, vide its above cited judgment, has held that since the vacancies were there in 1983 itself even for these 4 also and opting for other Divisions subsequently does not lead to forgoing their claim in Tiruvalla and therefore has ordered for regularizing these 4 officials on par with the 6. The BSNL management filed appeal in Ernakulum High Court. But it was rejected. Subsequently the management filed SLP in the Supreme Court. But it was withdrawn with the permission of the SC for filing a review petition in the HC. The review petition also was rejected by the Ernakulum HC on 10.8.2017. Consequently, the Circle management has implemented the CAT order for the applicants as per the direction of the Corporate Office.
- b) In another case, advertisement was given for regular recruitment against the available vacancies in ToA cadre and accordingly the applicants have applied and were given training. But after training, they were appointed as short duty operator instead of regular operator. It was done on the misunderstanding that the ban on creation of posts that came into effect from 1.1.1984 was applicable for the posts created before 1.1.1984 also. In OA No.952/1992 the CAT Hyderabad issued orders for regular appointment of the said official from the date of appointment as short duty operator, because post was available at that time.
- c) In OA No. 79/2011, the Ernakulum CAT has directed as below:
  - i) Respondents shall work out the vacancies that arose from 1984 onwards, which could not be filled up on account of the ban on recruitment.

- ii) RTP candidates on the basis of their year of recruitment, coupled with the order of merit, shall be accommodated notionally against such vacancies that were lying unfilled from 1984 onwards.
- iii) It is from the date on which these applicants could be deemed to have been placed against such vacancies that the period of 16 years of service for grant of TBOP benefits shall be worked out.
- iv) On completion of 16 years of such service, they would be deemed to have been granted TBOP benefits and the pay in the higher scale shall be fixed.
- v) Arrears shall be worked out in respect of these cases and the same shall be payable to the applicants concerned.

It is therefore requested to cause necessary action for regularising the short duty / RTP service and counting RTP service for OTBP, as per the principles laid down in the above mentioned orders of the CAT Ernakulum/CAT Hyderabad benches.

We shall be thankful for a positive decision in this regard.

Thanking you,

*Yours sincerely*



**(P. Abhimanyu)**  
**General Secretary**