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REVIEW APPLICATION NO.26 of 1987.

IN

ORIGINAL APPLICATION NO.267 of 1987.

ORDER OF THE TRIBUNAL

This Review Application has been filed by the applicant in O.A. 267/1987. The main ground contended in support of this Review Application is that the 4th Respondent to this Review Application, Shri Bhaskara Rao was never selected at all. He was not selected as R.T.P. candidate and he was appointed only in 1983 whereas the applicant was duly selected and appointed in October 1981. The seniority assigned to Shri Bhaskara Rao is, therefore, irregular. The Department has produced a Register of Telephone Operators maintained from the 1st half of the year 1980. It is seen from the Register at Sl.No.40 at Page-58 that Shri Bhaskara Rao is one of the selected candidates for the 2nd half of the year 1980, whereas the applicant, Shri Ramesh, whose name appears at Sl.No.362 at Page-122 of the Register, was selected as R.T.P. for the 1st half of the year 1981. It is, therefore, seen that the Respondent-4 belongs to an earlier batch compared to the applicant and the contention of the applicant that he was never selected is not correct. The 2nd point which urged by the applicant is

that Shri Bhaskara Rao was actually joined much later to him. Therefore, in view of the fact that Shri Bhaskara Rao even assuming that he was selected for an earlier batch, since he joined later to the applicant, the applicant should be reckoned to the seniority. Shri C.Suryanarayana, learned Counsel for the Respondent-4 stated that the Respondent-4 could not join earlier, due to re-organisation of the divisions and he was allotted to Anakapalli Division where he was not appointed in Anakapalli Division for administrative reasons and he, later on, was appointed in Vizianagaram. Respondent-4 was not responsible for his joining late, and according to the circular of the D.G.P.T. dated 30-10-1980, eventual absorption of R.T.P. as regular staff will be in the order of their merit although their actual engagement made depend on the exigency of work.

2. The counter filed on behalf of the Department says that the contention of the applicant that the Respondent-4 is a stranger to the R.T.P. is baseless. It is stated that Shri Bhaskara Rao, though selected against 2nd half of the year 1980 quota, had to wait for appointment as short duty Telephone Operator till 10-4-1983 as he had opted to work at Bheemunipatnam Exchange, Vizianagar^{am} where only Auto Exchange was available. As soon as Bheemunipatnam Exchange was converted into

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manual exchange, Shri Ghaskara Rao was posted to work as Short Duty Telephone Operator from 10-4-1983. Merely because the applicant was working as Short Duty Telephone Operator, it cannot be said that the fourth Respondent is a stranger to R.T.P. list and should be given seniority over him.

3. We have heard the arguments of Counsel for applicant (both in this Review Application and ~~xxx~~ in Original Application; Shri C.Suryarayana, Counsel for Respondent No.4 and Shri K.V.Subba Rao, Standing Counsel for the Department (Respondents Nos. 1 to 3) The main argument advanced on behalf of the applicant in this Review Application is that Respondent No.4 could not have been appointed as ^a number of persons who were rank seniors to Respondent no.4 in the list were also not appointed. He also contends that Respondent No.4 did not join as Short Duty Telephone operator until April, 1983, whereas the applicant joined much earlier, that is, on 10-2-1982 and he has been working ever since. He further states that

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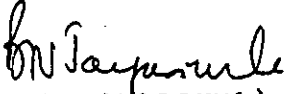
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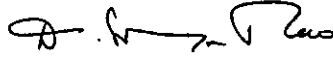
the applicant should be given seniority over Respondent No.4. Shri C.Suryanarayana (for R-4) states that there is no doubt that Respondent No.4 was selected in the second half year of 1980 and his name was included in the list of R.T.P. Candidates. The Department has stated that Respondent No.4 had made a request for Bhimuni-patnam, but Respondent no4. denies having made any such request. He also states that due to certain reorganisation of the divisions in Visakhapatnam, Vizianagaram and Shrikakulam Districts, the applicant was originally asked to go to Anakapalle and that there was delay in giving appointment. The Respondent no.4 cannot, therefore, be penalised for the delay on the part of the Department. Counsel for the Respondent No.4 further stated that the D.G., P&T, New Delhi in his instructions No.6/36/SPB-I dt. 30-10-1980 laid down that it is only when the list of RTP candidates in an earlier half year has been exhausted that recruitment of persons from the next list shall be undertaken. Even according to this, the Respondent no.4 had priority for absorption.

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The delayed employment of Respondent no.4 cannot, therefore, be a ground for disturbing his seniority. We have perused the relevant records produced by the Department. No request or letter from Respondent No.4 asking for posting at Bhimunipatnam has been shown to us. We are also unable to make out anything from the record as to why there was delay in the issue of orders by the department to Respondent No.4 Having regard to the circular of DG, P&T referred to above, it would appear that Respondent No.4 should in the ordinary course ~~have~~ joined earlier than the applicants. In the light of the material before us, we do not find that our Orders dated 28th July, 1987 in O.A. 267 of 1987 (main application) require to be revised. The Review Application No.26/1987 is accordingly dismissed.

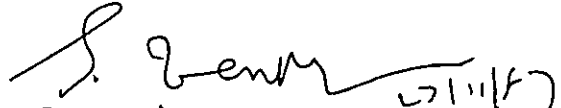

(B.N. JAYASIMHA)
Vice-Chairman.


(D. SURYA RAO)
Member (Judl.)

20th Nov., 1987.

vsn/
RSR°




Deputy Registrar (J).