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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1813/2002

This the 3rd day of March, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

B.L. Razdan
Assistant Director (Telegraph Traffic)
O/o CGM (NTR),
Room No. 17A, Eastern Court
New Delhi-110001.

(By Advocate: Sh. S.N. Anand)

Versus

1. Union of India through Secretary
Ministry of Communications
(Department of Telecom),
Sanchar Bhawan,
20, Ashoka Road,
New Delhi-110001.
2. The Chief General Manager (NTR),
Kidwai Bhawan, Janpath,
New Delhi-110050.
3. The Chief General Manager Telecom
J&K Telecom Circle,
Jammu Tawi-180001.

(By Advocate: Sh. H.K. Gangwani)

ORDER (ORAL)

Applicant has assailed an order dated 21.6.2002 vide which certain allowances granted to him vide order dated 27.3.2002 have been withdrawn and cancelled.

2. The facts in brief are that the applicant was an employee of J&K Telecom Circle, Department of Telecom was working with Bharat Sanchar Nigam Ltd. (for short, BSNL) and was posted in Kashmir valley. The case of the applicant is that employees who are posted to Srinagar Valley were entitled to certain special allowances who were ordered as per Annexure-A dated 27.3.2001.
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3. Applicant claims that since he had worked in Kashmir valley under forced circumstances despite enormous danger to life so he was entitled to the additional benefits which was granted by memo dated 27.2.2001 and the same could not be withdrawn because the grant of additional allowances was in conformity with the policy issued DOPT itself.

4. Opposing the OA, counsel for respondents raised an objection that the applicant is seeking a relief against BSNL since the order withdrawing these additional allowances have been passed by BSNL and the order sanctioning the amount was also passed by BSNL so this Court has no jurisdiction to issue any direction to the BSNL as no notification under Section 14 of the AT Act confer jurisdiction to this Tribunal pertaining to the BSNL.


5. Counsel for applicant had referred to a judgment given by Banagalore Bench as mentioned in Swamys News of issue of January 2003 wherein it is held that it is within the jurisdiction of the Tribunal to hear the grievances of employees of Government organisation who are sent on deputation or transfer to limited company until they are absorbed there. Counsel for applicant further submitted that since the applicant has not been absorbed in BSNL and he continued to work under BSNL on deputation basis so he can raise his grievances before CAT.

6. Though it is true that the applicant's services have not been transferred to BSNL and he is on deemed deputation but the fact remains that the order assailed by the applicant is from the office of BSNL and directions are also sought to implement memo dated 27.3.2001 which was also issued by the

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office of BSNL. Since the matter pertains to grant of certain additional benefits, I do not think that this court can issue any direction to BSNL for implementation of their memo dated 27.3.2001 and to quash the order dated 21.6.2002 vide which benefits were granted under memo dated 27.3.2001 because these orders have been passed by the BSNL independently of the service conditions of the applicant which he is having while working under the Department of Telecom.

7. I do not think that this court has any jurisdiction to give direction to the BSNL in restoring the order dated 27.3.2001. OA stands dismissed. Applicant is at liberty to approach the appropriate forum for redressal of his grievances.


(KULDIP SINGH)
Member (J)

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