

Central Administrative Tribunal, Principal Bench
New Delhi

O.A. No.2557/2001

New Delhi this the 26th day of July, 2002

Hon'ble Mr. Kuldip Singh, Member (J)
Hon'ble Mr. S.A.T. Rizvi, Member (A)

Tejveer Singh
S/o Madan Pal Singh
23/8, Lal Quarters,
Lohia Nagar
District Ghaziabad (UP).

(By Advocate : Shri S.N. Anand)

- Applicant

Versus

1. Union of India through
Ministry of Communications
Sanchar Bhawan,
20, Ashoka Road,
New Delhi-110001.
2. The General Manager
Ghaziabad Telecom District
Ghaziabad (UP).
3. The General Manager
Meerut Telecom District
Meerut (UP).

- Respondents

(By Advocate : Shri M.M. Sudan)

ORDER (ORAL)

Hon'ble Mr. Kuldip Singh, Member (J)

The applicant in this OA has impugned an order dated 14.8.2001, which has been issued by M/s Bharat Sanchar Nigam Ltd. O/o The General Manager Telecom Distt. Meerut. Vide the impugned order, the appointment of the applicant as Lorry Driver, which was earlier issued vide office Memo dated 27.6.2001, was held in abeyance till further orders.

2. Brief facts of the case are that the applicant earlier joined the Department of Telecommunications as a casual worker and with effect from 17.10.1994, he was granted temporary status. But so far he has not been regularised as yet. However, the applicant was offered the job of Lorry Driver



(2)



vide Memo dated 27.6.2001 (Annexure J) but the same has been kept in abeyance without issuing any show-cause notice and without issuing any memo to the applicant. Therefore, the impugned order is liable to be quashed and a direction be issued to the respondents to permit the applicant to join as Lorry Driver in the office of the GM TD Meerut pursuant to letter of appointment dated 27.6.2001 forthwith.

3. The respondents, who have contested the OA, have taken a preliminary objection that the appointment offer has been issued by M/s Bharat Sanchar Nigam Ltd., which is not under the territorial jurisdiction of Central Administrative Tribunal as no notification under Section 14 of the Administrative Tribunals Act, 1985 has been issued so far. The respondents have also relied upon the judgement of the Chandigarh Bench of the CAT in OA No.136/PB/2001 decided on 25.7.2001. The Chandigarh Bench in the similar situation has held that the Tribunal has no jurisdiction to entertain applications against Bharat Sanchar Nigam Limited as it is a company incorporated under the Companies Act with limited liability.

4. As against, learned counsel for the applicant relied upon the judgement of Mumbai Bench of the CAT in OA Nos.885, 886, 887, 888, 889, 890, 891, 908, 912 and 916 of 2001 and O.A. No.10 of 2001 in the matter B.K. Katkar and Ors. etc. etc. Vs. Union of India and Ors. etc. etc. decided on 19.2.2002, wherein the contention of the Bharat Sanchar Nigam Ltd. that the Tribunal has no jurisdiction was rejected.

5. We have considered the rival contentions of the parties and we have gone through the judgements relied upon by the respective parties.





6. The reliance place by the applicant's counsel of Mumbai Bench of the CAT decision in B.K. Katkar's case (supra) shows that the applicants therein were working as Junior Telecom Officers and were allocated to BSNL on the formation of BSNL. The applicants therein had taken a stand that they were working under the orders of the UOI on deputation for BSNL and they continue to be the employees of the UOI until they were permanently absorbed in BSNL. Since in this case, so earlier held that the jurisdiction of BSNL rested as the applicants therein continue to be Govt. employee as they have not permanently absorbed.

7. In the present case, offer of appointment itself originated only from the office of BSNL and itself the BSNL who had kept in abeyance to aforesaid offer of appointment. So the law as laid down by the Chandigarh Bench of the CAT apply and thus this Tribunal has no jurisdiction to entertain the matter against BSNL as no notification under Section 14 of the Administrative Tribunals Act, 1985 has been issued so far. The similar view has also issued by the another Bench of this Tribunal in OA No. 1036/2001, which was decided on 2.4.2002.

8. Thus, we have also of the considered opinion that this Tribunal cannot entertain this application as order of appointment has been passed by the BSNL and not by the UOI. Therefore, the OA is dismissed for want of jurisdiction. No costs.



(S.A.T.Rizvi)
Member(A)



(Kuldip Singh)
Member(J)

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