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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1675/2001 with CP 268/2002

New Delhi, this the 19th day of July, 2002

(20)

Hon'ble Shri M.P. Singh, Member(A)
Hon'ble Shri Shanker Raju, Member(J)

Jiten der Kumar
Sector 18, Telephone Exchange
Near IFFCO Chowk, Gurgaon .. Applicant
(By Shri R.D.Upadyaya, Advocate)

versus

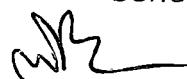
1. Secretary
Department of Telecommunication
Ministry of Communication, New Delhi
2. Chief General Manager
Dept. of Telecommunication, Ambala
3. General Manager, Main Telephone
Exchange, Gurgaon
4. Divisional Engineer Telecom
Main Telephone Exchange, Gurgaon
5. Sub-Divisional Officer
RLU Telephone Exchange, Gurgaon
6. Sub Divisional Officer
RLU Telephone Exchange
S-18, Near IFFCO Chowk, Gurgaon
7. Junior Telecom Officer
RLU I Telephone Exchange
S-18, Gurgaon .. Respondents

(By Shri S.M. Arif, proxy for Shri M.M.Sudan,
Sr. Counsel)

ORDER(oral)

Shri M.P. Singh, Member(A):

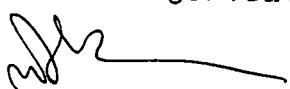
By filing this OA applicant claims that he was engaged as a casual labour by Respondent No.4 in August, 1998 and since then he has been continuously working, completing 240 days in each year and thus having a service of more than two and a half years. Therefore he seeks a direction to the respondents to confer on him temporary status in accordance with the scheme framed by Department of Telecommunication alongwith consequential benefits.



2. Respondents in their reply have contested the case and have stated that by Govt. of India OM dated 30.9.2000, Bharat Sanchar Nigam Limited (BSNL) was set up and all the business of providing telecom services in the country currently run and entrusted with Deptt. of Telecom Services was transferred to BSNL. As such BSNL is providing telecom service to Telephone Exchanges where the applicant claims to be working. ~~They only~~ ~~He have~~ further stated that Respondents No.2 to 7 are not at all responsible for electrical installation or its maintenance or ensuring the electrical supply of the exchanges and the said job relating to the relevant exchanges is to be performed by BSNL. Applicant was engaged by the private contractor M/s. Sonia Electrical under an agreement but he was never engaged by the Department of Telecommunication. In view of this position, the present OA is not maintainable due to lack of jurisdiction and may be dismissed.

3. We have heard the learned counsel for the parties and perused the records.

4. The applicant has not been able to produce any order to the effect that he was engaged by the Department of Telecommunication. That apart, the job which the applicant claims to have been doing is being controlled by BSNL and this Tribunal has no jurisdiction over BSNL in view of the judgement of the Hon'ble Delhi Court dated 24.8.2001 in CWP No.2702/2001 in Shri Ram Gopala Verma Vs. UOI [2000(1) AISLJ 352], wherein it has been categorically held as under:



"No such notification was admittedly issued till date to extend jurisdiction of Tribunal to MTNL. That being so, was Tribunal still obliged to entertain petitioner's OA challenging his suspension order which was passed by General Manager of MTNL and which was not endorsed to have been approved by DOT. The answer in our view was in negative because petitioner was challenging suspension order passed by the Chief General Manager of MTNL suspending him from the post of SDE (Cables), a post under MTNL and not from any post under DOT. It is true that petitioner maintained his lien to the TES Group B service in DOT but that was of no avail to him because his challenge was directed against suspension from the post of SEE (Cables) in MTNL and passed by the Competent authority of MTNL. His service status enjoyed by him in DOT would not confer jurisdiction on Tribunal which otherwise was not admittedly vested in it for want of requisite notification under Section 14(2). Therefore, even when he held a lien on the post of TES Officer, his grievance directed against order suspending him from the post of SDE (Cables) in MTNL was not entertainable by Tribunal for lack of jurisdiction. It is also not the case that impugned order of his suspension was a composite order passed with the approval of DOT which could perhaps provide some basis for Tribunal's jurisdiction. This order was passed by the Chief General Manager on his own and it is not for us to examine whether it was passed validly or otherwise."

5. In view of the above position, we are of the considered view that the present OA is not maintainable and is accordingly dismissed. CP 268/2002 also stands disposed of. However, the applicant is at liberty to approach the appropriate forum, if so advised, for redressal of grievance. No costs.



(Shanker Raju)
Member(J)



(M.P. Singh)
Member(A)

/gtv/