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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.2692/1999
M.A. NO.2716/1999

New Delhi this the 10th day of January, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)

1. National Union of Telecom Employees (Line Staff Group 'D', Delhi Circle) through its Circle Secretary, Delhi Shri Jagat Ram Binjola.
2. Jagat Ram Binjola S/O Jogeshwar Prasad, R/O F-26, Gali M-7, Brahampuri, Delhi-53. ...Applicants

(By Shri R. N. Singh, Advocate)

-Versus-

1. Union of India through Secretary, Ministry of Communication, Department of Telecom, Sanchar Bhawan, New Delhi-110001. ...Respondents

(By Shri V. K. Rao, Advocate)

O R D E R (ORAL)

Shri Justice Ashok Agarwal:


Applicants who have been represented by the applicant No.1 union had been initially appointed in Class III and Class IV posts with the Department of Telecommunications. After the formation of the Mahanagar Telephone Nigam Limited (MTNL), their services were transferred on deputation to MTNL. Employees such as applicant No.2 had been afforded option either to be absorbed with the MTNL or to continue as employees of the Department of Telecommunications. Most of the staff have exercised their options and they have been absorbed in pursuance of their options. Certain staff such as the applicants^{no 2}, have not so far exercised their options. Shri V. K. Rao, the learned counsel appearing for respondents

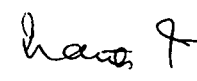
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makes a statement that even the staff who have so far not given their options will be entitled to give their options till 15th January, 2000. Hence, applicants who have not exercised their options will now be entitled to give their options as to whether they would like to be absorbed in the MTNL or in the Department of Telecommunications. Counsel for the respondents makes a further statement that even in respect of staff who have opted to be absorbed with the Department of Telecom or those who would give their options for being absorbed with the Department of Telecom will be given a further option of choosing the Circle where they would like to be absorbed. Options so exercised will be implemented as far as possible, subject to vacancies.

2. In our view, applicants cannot have any legitimate grievance in regard to options sought from them. As far as conditions of service of MTNL or of Department of Telecom are concerned, the same are not subject matter of this application. The same can be agitated in independent proceedings, in case service conditions are altered to the disadvantage of the applicants.

3. Present application, in the circumstances, is disposed of with no order as to costs.


(Ashok Agarwal)
Chairman


(Shanta Shastri)
Member (A)

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