

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH : NEW DELHI

OA NO. 197/88

DATE OF DECISION: 20.1.1992.

SHRI N.D. SINGH & OTHERS

...APPLICANTS

VERSUS

UNION OF INDIA & OTHERS

...RESPONDENTS

CORAM:

THE HON'BLE MR. I.K. RASGOTRA, MEMBER (A)

THE HON'BLE MR. J.P. SHARMA, MEMBER (J)

FOR THE APPLICANTS

SHRI G.D. BHANDARI,

COUNSEL.

FOR THE RESPONDENTS

SHRI A.K. SIKRI,

COUNSEL.

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE MR. I.K. RASGOTRA, MEMBER (A))

Heard the learned counsel for both the parties.

The learned counsel submitted that the applicants herein are the employees of Delhi Telephones. However, consequent to the incorporation of the Mahanagar Telephone Nigam Ltd. (MTNL) the staff working in L-20 and L-86 exchanges have been transferred to DMT, Ghaziabad outside the jurisdiction of GM, Delhi with the result that they now carry the liability of transfer from Ghaziabad etc. to various

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other places in UP circle. The next point agitated by the learned counsel for the applicants is that the transfer from the MTNL to the UP circle also affects the seniority of the applicants, as they get into the gradation list of the UP circle. This would affect the promotional avenues of the applicants adversely. The prayer of the applicants, therefore, was that unless and until the options from the staff, transferred from the Department of Telecommunications to the MTNL are obtained and the decision regarding absorption taken after framing the rules and regulations, the staff who originally belong to the General Manager (GM) (Telecom), should continue to be under GM, Delhi as the transfer affects their service conditions to their disadvantage.

Shri A.K. Sikri, learned counsel for the applicants on the other hand submitted that the staff in the said exchanges have been transferred under the administrative control of the DMT, Ghaziabad on 'as is where' basis. There is no change in the cadre controlling authority, as the cadre controlling authority continues to remain the GM(Telecom), Northern Region, Department of Telecommunications. In the circumstances the apprehensions of the applicants are not based on factual position. The staff irrespective of the fact whether they are under the DMT, Ghaziabad or in the MTNL still continue to remain as Government servants under the cadre controlling authority of the GM (Telecom), Northern Region, Department of Telecommunications. Thus the applicants neither carry the transfer liability for transfer to other stations in the UP circle nor their gradation list is any way affected. Their avenues of promotion also continue to be the same till the fresh rules and

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regulations are formulated and options obtained by MTNL.

The learned counsel for the applicants reacting to the reply given by the learned counsel for the respondents submitted that there is positively a change in the conditions of service, as the applicants have been served notices to vacate the quarters which they have been occupying by virtue of being the members of the Delhi Telephones. He also referred to his rejoinder and stated that some disciplinary cases have been initiated under the authority of Assistant Engineer (Telecom) UP circle. Further some employees in the MTNL who are junior to the applicants have been promoted, without considering the applicants.

We have considered the rival contentions carefully. It is apparent from the record and from the submissions made by the learned counsel that the employees both in MTNL and under DMT, Ghaziabad continue to be the employees of the Central Government viz. Department of Telecommunications. Their cadre controlling authority also continues to be the G.M. (Telecom), Department of Telecommunications, Northern Region. Further only the administrative control of the two exchanges have been transferred to the DMT, Ghaziabad and the staff have been placed in these exchanges on 'as is where basis'. In the circumstances the staff continue to be in the same seniority list, as they were prior to the formation of the MTNL.

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As far as the vacation of the quarters and consideration of the junior persons for promotion etc. is concerned there are no specific pleadings in this case. Since the staff continue to be in the same seniority list, their chances of promotion etc. also are not adversely affected. As such there is no change in the service condition of the applicants.

In the circumstances of the case the O.A. is dismissed, with no order as to costs.

*J. P. Sharma*  
(J.P. Sharma) 20.1.92

Member (J)

20.1.92.

*T. K. Basgatra*  
(T.K. Basgatra) 20.1.92

Member (A)

20.1.92.

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