

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

O.A. NO.1837/2004
M.A. NO.1665 & 1689/2004

This the 31st day of August, 2004

**HON'BLE SHRI V. K. MAJOTRA, VICE-CHAIRMAN (A)
HON'BLE SHRI SHANKER RAJU, MEMBER (J)**

1. Arun Sharma S/O J.B.Sharma,
R/O 758/44, Tri Nagar,
Delhi-110031.
2. Mukesh Kumar S/O Hardayal,
R/O House No.313/92A,
Tulsi Nagar, Delhi-110035.

... Applicants

(By Shri Naresh Kaushik, Advocate)

-versus-

1. Union of India through
its Secretary, Ministry of Communications
& Information Technology,
Deptt. Of Telecommunications,
Sanchar Bhawan, Ashoka road,
New Delhi.
2. Dy. Director General (Electrical),
Department of Telecommunications,
1105, Sanchar Bhawan,
New Delhi-110001.

... Respondents

(By Shri A. S. Singh for Shri R. V. Sinha, Advocate)

ORDER

Hon'ble Shri V. K. Majotra, Vice-Chairman (A) :

Applicants were Assistant Engineers (Electrical) in the

Department of Telecommunications. However, they have been

absorbed in BSNL on 22.2.2004. They have challenged the seniority lists in the grade of Assistant Engineers (Elec.) dated 14.8.2000 and 19.5.2004 (Annexure-1 colly.).

2. Although the respondents have not filed any counter reply to the OA, the learned counsel of respondents verbally raised objection regarding jurisdiction of this Tribunal over the matter. He contended that when the applicants have already been absorbed in BSNL, controversy about their seniority cannot be raised for adjudication before this Tribunal.

3. On the other hand, the learned counsel of applicants maintained that seniority list dated 14.8.2000 was issued by the respondents while the applicants were still employees of the respondents. Seniority list dated 19.5.2004 has also been issued by the respondents on finalization of options for permanent absorption of the Electrical Wing Group 'B' Officers in BSNL/MTNL, and bifurcation of the combined all India Seniority list in respect of Assistant Engineers (Elec.) of Department of Telecommunications as per their position in the previous seniority list.

4. The instant controversy had been earlier on raised before a Full Bench of Central Administrative Tribunal, Jaipur, in the case of **B. N. sharma & Ors. v. Union of India & Ors.** (O.A. No.401 to 408 of 2002 decided on 24.3.2004) and reported as 2004 (2) ATJ 11.

The reference before the Full Bench was as follows :

"1. Whether the Tribunal has jurisdiction on all service matter in respect of service matters of central government employees who are on deemed deputation to BSNL or only in respect of cause of action relating to their parent department e.g. Disciplinary

proceedings, retiral benefits, promotions, in their department etc. and not for the cause of action wholly arisen from BSNL e.g. Transfer, promotion etc. by BSNL.

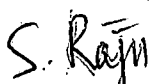
2. Whether the Tribunal has jurisdiction on all service matter in respect of service matter of central government employees, the cause of action for which related to a period prior to the absorption of such employees in BSNL."

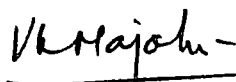
After detailed examination of the issue as also the case law thereon, it was held, "in cases in which the employees had already been absorbed permanently with the BSNL, the Central Administrative Tribunal has no jurisdiction to adjudicate upon their service matters till a notification under sub-section (2) to Section 14 is issued."

5. Admittedly, no notification as regards BSNL/MTNL has been issued under sub-section (2) to Section 14 of the Administrative Tribunals Act, 1985.

6. In the light of the aforesaid Full Bench decision, we are unable to exercise jurisdiction over the present matter. The same is dismissed accordingly, for want of jurisdiction, however, with liberty to the applicants for taking it up before an appropriate forum as per law and if so advised.

MA Nos. 1665 and 1689/2004 also stand disposed of.


(Shanker Raju)
Member (J)


(V. K. Majotra)
Vice-Chairman (A)

/as/