

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.349 of 2002

Allahabad, this the 13th day of November, 2002

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. Sarveswar Jha, Member (A)

1. Chandra Shekhar Yadav,
S/o Shri Ram Asrey Yadav
R/o 268 Kala Bhawan Line Par Moradabad.
2. Vijay Kumar Bhatnagar,
S/o Late Shri Basant Lal Bhatnagar,
R/o E-256 Prem Nagar Moradabad.
3. Bhupendra Kumar,
S/o Shri Ram Kant
R/o E-35 Prem Nagar,
Moradabad.
4. Vishram Yadav S/o Shri Ghiyan Yadav,
R/o Shastri Nagar, Moradabad.
5. Het Ram Singh S/o Shri Sipahi Lal,
R/o Delhi Road, Majhola Moradabad.
6. Ahamad Ali S/o Shri Mohammad Ali,
R/o 26F/10 Kazdi tola,
Peer Gap Moradabad.
7. Dal Singh S/o Shri Roop Singh
R/o Village Narina Post Kotwali
Dehat District Bijnor.
8. Rajendra Prashad Yadav S/o Shri
Dil Chain Yadav, R/o Gali No.2
Prakash Nagar Moradabad.
9. Azhar Ali S/o Shri Mazhar Ali
R/o Telephone Exchange Colony
Civil Lines Moradabad.
10. Bhawani Shanker S/o Shri Lalji Pathak
R/o Telephone Exchange Colony Room No.6
Civil Lines Moradabad.
11. Arvind Yadav S/o Shri Sahab Singh Yadav,
R/o 58 Azad Nagar Railway Colony, Moradabad.
12. Kripacharya Pandey S/o Shri Sita Ram Pandey
R/o Local Adrass Line Parprem Nagar Moradabad.
13. Sanjeev Kumar S/o Shri Ram Kishan
R/o Imliwali Mariya Post Amroha
District Jyotiba Phule Nagar.
14. Nihal Singh S/o Shri Pyare Singh
R/o Village Daya Nath Pur
Post Agwanpur District Moradabad. Applicants.

(By Advocate : Shri J.K.N. Mishra)



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1. Union of India through the Secretary Telecommunication, Bharat Sanchar Nigam Limited Sanchar Bhawan, New Delhi.
2. Director General Department of Telecommunication Sanchar Bhawan New Delhi.
3. Chief General Manager, Bharat Sanchar (West) U.P. Circle Dehradun.
4. General Manager Door Sanchar Bhara t Sanchar Nigam Limited Moradabad.
5. Sub-Divisional Engineer/ S.D.O. Bharat Sanchar Nigam Limited Moradabad.

.... Respondents.

(By Advocate : Shri G.R.Gupta)

ORDER (ORAL)

By Hon^{ble} Mr. Justice R.R.K.Trivedi, Vice Chairman :-

By this O.A., filed under Section 19 of the A.T. Act, 1985, the applicants have challenged the order dated 3.11.2001, by which the representation of the applicants for regularisation of Group 'D' post has been rejected.

2. Shri G.R.Gupta, learned counsel for the respondents has raised the preliminary objections, ^{in this} in this O.A. against Bharat Sanchar Nigam Limited ^{and} and stated that the application is not maintainable in this Tribunal as no notification under Section 14 (3) of A.T. Act, 1985 has been issued by Central Government. The learned counsel for the respondents has also placed before us the judgement of the Division Bench of Calcutta Bench of this Tribunal dated 1.3.2001 passed in OA No.198/01 in the case of Vishwanath Banerjee Vs. U.O.I. & ors.



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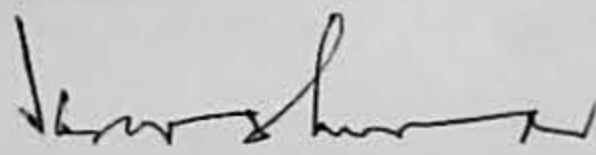
The Bench held as under :-

" Learned counsel for both sides are present. This case is relating to the department of Telecom which has now become a corporate body. Bharat Sanchar Nigam Limited is definitely a corporate body under the Govt. of India as such Government within the meaning of Article 12 of the Constitution. But that has not been notified till today and therefore, this Court has no jurisdiction to entertain such petition.

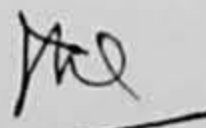
2. Accordingly, the O.A. is disposed of at the admission as not maintainable the applicant may approach the appropriate forum in respect of his grievances made in this O.A. No order as to costs."

In the above facts and circumstances, ^{or} there is no notification issued by Central Government under Section 14(3) of the A.T. Act. ^{or} This Tribunal has no jurisdiction to decide the case filed by the employee of the Bharat Sanchar Nigam.

3. The O.A. is accordingly disposed of ^{as not maintainable} without any order as to costs.



Member (A)



Vice Chairman

RKM /