

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 970 OF 2002
ALLAHABAD THIS THE 17TH DAY OF DECEMBER, 2002

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

M.U. Khan,
Son of Sri Khatir Ali,
presently posted as Chief Accounts Officer,
Office of the General Manager,
Tele Communication,
Gorakhpur,
District Gorakhpur. Applicant

(By Advocate Shri B.P. Singh)

Versus

1. Union of India,
through Secretary,
Ministry of Telecommunication,
New Delhi.
2. Chief Managing Director,
Bharat Sanchar Nigam Ltd.,
New Delhi.
3. Member (Finance)
Bharat Sanchar Nigam Ltd.,
Sanchar Bhawan,
New Delhi.
4. Chief General Manager,
Bharat Sanchar Nigam Ltd.,
Telecommunication,
U.P. Circle (east),
Lucknow.
5. General Manager (Finance),
Office of Chief General Manager,
Telecom, U.P. Circle (East),
Lucknow.
6. General Manager Telecom Gorakhpur,
District Gorakhpur.
7. Assistant Director General (S.E.A.),
New Delhi.
(Department of Telecommunication Corporate Office,
Bharat Sanchar Nigam Ltd.,
313, Sanchar Bhawan,
New Delhi. Respondents

(By Advocate Shri A. Sthalekar)

ORDER

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

By this O.A. the applicant had challenged his
transfer from Gorakhpur to Dehradun, issued vide order dated
21.07.2002 readwith 12.08.2002. The court had recorded the
B in its order dt 25.11.02.

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preliminary observation with regard to the maintainability of the O.A itself before the Tribunal in view of the fact, that the impugned orders were passed by Bharat Sanchar Nigam Limited as well as Mahanagar Nigam Limited, and no notification under section 14 of the Administrative Tribunals Act has been issued by the Government of India to bring it within the purview of Central Administrative Tribunal.

2. The respondent's counsel has brought to my notice the judgement given by Hon'ble High Court of Bombay reported in ATJ 2002 VOL III page 1 wherein the Division Bench of Hon'ble High Court has dealt with this issue and held that Tribunal has no jurisdiction to deal with matters where orders have been passed by BSNL.

"In the face of this the Tribunal could not have held that it has the jurisdiction.

There is yet another aspect which has to be looked into and that is taking judicial notice of Government decisions known to have been taken and acknowledged by authorities judicial and quasi judicial decisions to convert the department of Telecommunications into BSNL was made publicly. It was known to one and all. Existence of BSNL is a fact of which judicial notice can be taken has been taken by the Central Administrative Tribunal in its Calcutta Bench as also its Bombay Bench while dealing with two different cases. Once its therefore recognized and acknowledge by the Tribunal itself that BSNL is a legal entity it has become into existence. The Tribunal should have resisted exercise of jurisdiction. It should have avoided unwarranted exercise of jurisdiction in transfer matters."

I have also been shown the order dated 03.12.2002 passed by Hon'ble Vice-Chairman of this Bench in O.A no.551/02 taking the same view.

3. I am bound by the orders as mentioned above, therefore, the present O.A is dismissed as not maintainable in the



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Tribunal. The applicant would have the liberty to approach appropriate forum for redressal of his grievances.

4. With the above observations the O.A is dismissed as not maintainable. No costs.



Member-J

/Neelam/