

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.490/2003

Dated Wednesday this the 24th day of September, 2003.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

1. R.Anil Kumar
S/o Ramakrishnan Nair
Vadakkechelattu House
Vadackal, Alappuzha,
Ambalappuzha Taluk.
JTO, Electrical, BSNL, Electrical
Sub Division No.1, Karar Building
M.L.Road, Kottayam.
2. Sreekanthu
S/o Sivasankara Pillai
Manghalath Kizhakkethil,
Aimanom P.O.
Kottayam.
JTO, Electrical, BSNL,
Electrical Sub Division,
No.1, Karar Building,
M.L.Road, Kottayam.
3. T.Sunil Kumar
S/o Thankachan
Lakshmipuram, Manchira,
Kumarakom, Kottayam.
JTO, Electrical, BSNL,
Electrical Sub Division No.2
Karar Building, M.L.Road,
Kottayam.

Applicants.

(By advocate Mr.V.Rajendran Perumbavoor)

Versus

1. Union of India, represented by
Secretary
Department of Communications
New Delhi.
2. Bharath Sanchar Nigam Ltd.
represented by its Chairman &
Managing Director
Sanchar Bhavan
New Delhi
3. The Chief General Manager
Bharath Sanchar Nigam Ltd.
Kerala Circle
Thiruvananthapuram.
4. The Accounts Officer
Bharat Sanchar Nigam Ltd
Electrical Division
Varun Chambers
Collectorate P.O.
Kottayam.

Respondents.

(By advocate Mr.C.Rajendran, SCGSC)

The application having been heard on 24th September, 2003, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

The applicants, 3 in number, while working as Group-C officers in the Department of Telecom and later absorbed in Bharat Sanchar Nigam Limited, initially approached the Hon'ble High Court of Kerala in Writ Petition No.16185/2003 challenging Annexure A-4 order dated 26th March, 2003, which was marked as Exhibit P.4 in the Writ Petition, to the extent of clause 2 of that order on the ground that by the said clause they were allegedly denied certain benefits. The High Court of Kerala closed the Writ Petition with the following observations:

"The petitioners submit, they are Group-B officers of the B.S.N.L. All the Group-B officers who are transferred from the Department of Telecommunication are treated as deputationists. They are challenging Ext.P4. Clause 2 of Ex.P4 denies certain benefits to the petitioners on the ground that they are Group-C officers. Since the petitioners' case is that they are Group-B Officers and therefore entitled to get higher scales of pay, they may move the C.A.T. for appropriate reliefs.

Without prejudice to the said right, the Original Petition is closed."

2. Thereafter the applicants have filed this application before this Tribunal under Section 21 of the Administrative Tribunal Act, 1985, seeking to set aside Annexure A-4 order and for directing the respondents to continue to give the benefit of A-3 order to the applicants.

3. It is alleged in the application that the applicants were given a sum of Rs.2000/- each per month in terms of A-3 order and the decision contained in the impugned order making them ineligible to get the amount is irrational and unjustified.

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4. The respondents in their reply statement contend that the applicants who were absorbed as Non-Executives in BSNL with effect from 1.10.2000 and drew pay in IDA scale of Rs.7100-200-10100 corresponding to the CDA scale of Rs.5000-150-8000 are not entitled to receive Rs.2000 per month and the decision contained in A-4 is perfectly in order and in consonance with the recruitment rules. Since the applicants are absorbed in BSNL, the Tribunal has no jurisdiction to entertain the application, contend the respondents.

5. The learned counsel of the applicants, with considerable vehemence, argued that the Hon'ble High Court of Kerala having held that the applicants being Group-B officers working on deemed deputation in BSNL, they could move the C.A.T. for redressal of their grievance and the Tribunal has to admit the application and consider their grievance.

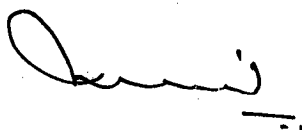
6. The learned counsel for the respondents, on the other hand, argued that even going by the statement by the applicants they have been absorbed in BSNL with effect from 1.10.2000, as also this fact is borne out from R-2, the Tribunal does not have any jurisdiction and further the applicants have no legitimate grievance, because the payment of Rs.2000 per month was being made to those employees who were on deemed deputation.

7. On a scrutiny of the materials available on record and on hearing the learned counsel on either side, we find that there is considerable substance in the arguments of the counsel for respondents. However, since the applicants are undoubtedly the employees of the BSNL having been absorbed with effect from

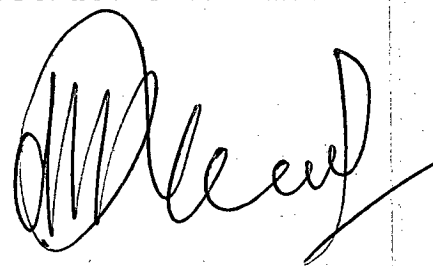
1.10.2000 and since the BSNL is a company which has not been notified under Section 14 (2) of the Administrative Tribunals Act, 1985, the Tribunal has no jurisdiction to entertain the application which relates to the employees of the BSNL. Further no legitimate grievance of the applicants is disclosed because Annexure A-3 order dated 27th February, 2003 directed payment of an adhoc amount of Rs.2000/- per month with effect from 1.10.2000 to Group-B officers of the DoT and erstwhile DTS/DTO working in BSNL on deemed deputation basis, and all the applicants were, as is seen from A-2 order dated 5.2.2002 before issue of A-3, absorbed in BSNL and placed in the IDA pay scale. It is also evident from R-2(2) to R-2(4) dated 8.7.2002 that all the applicants were absorbed in BSNL w.e.f. 1.10.2000. Hence in any case the benefit under A-3 not being due to the applicants, there is no legitimate grievance of the applicants which calls for redressal.

8. In the light of what is stated above, the application is rejected under Section 19 (3) of the Administrative Tribunals Act, 1985.

Dated 24th September, 2003.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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