

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.582/2003.

Friday this the 18th day of July 2003.

CORAM:

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

1. M.Sasirajan,
Puthuval Puthenveedu, Thathiyoor,
Thiruvananthapuram.
 2. V.Anil Kumar,
Kodithura Veedu, Balaramapuram,
Thiruvananthapuram.
 3. S.Sreekumar, Lankalakonam,
Thundavila Veedu, Karingal Kandala P.O.,
Thiruvananthapuram.
 4. Y.Wilson,
Thikkuchiruvila Veedu,
Vizhavor Malaya P.O.,
Thiruvananthapuram.
 5. Y.Georgekutty,
Thikkuchiruvila Veedu,
Vizhavor Malaya P.O.,
Thiruvananthapuram.
- Applicants

(By Advocate Shri.P.Santhalingam)

Vs.

1. Union of India represented by
its Secretary, Ministry of Communications,
Sanchar Bhavan, New Delhi.
 2. Chief General Manager,
Bharat Sanchar Nigam Limited,
Kerala Circle, Thiruvananthapuram.
 3. General Manager,
Bharat Sanchar Nigam Limited,
Sastha Towers, Thiruvananthapuram.
 4. The Committee Scrutinising the claims for
re-engagement of Casual Mazdoors rep.by its member,
Sri.K.M.Philip, Divisional Engineer BSNL,
Thiruvananthapuram.
- Respondents

(By Advocate Shri C.Rajendran, SCGSC)

The application having been heard on 18th July 2003,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

This Original Application has been filed by five erstwhile Casual Labourers, Telecom Department who are aggrieved by the non-inclusion of their names for engagement as Casual Mazdoors in the Telecom Department which has subsequently been converted into a Corporate Organisation i.e. Bharat Sanchar Nigam Limited (BSNL for short).

2. When the matter came up for consideration for admission, Shri C.Rajendran, learned SCGSC pointed out that, this Tribunal does not have jurisdiction over the BSNL, since so far no notification under Section 14(2) has been issued by the Government of India in that regard. He would therefore state that, whether or not the applicants in this case are to be engaged as Casual Labourers, was a matter within the exclusive powers of the BSNL, an entity which lies outside the jurisdiction of the Central Administrative Tribunal and that, as such, this Tribunal is not the appropriate forum for the applicants to address their grievance.

3. Shri S.K.Aravindakshan, learned counsel appearing for the applicants, has underscored the point that the issue agitated in this O.A. arises out of the earlier orders of this Tribunal in the original applications filed by the very same applicants which were confirmed by the Apex Court in August 1998 and that therefore, they had a right which existed prior to the formation of the BSNL. In that view of the matter, the BSNL, being the successor to the Telecom Department, under the Government of


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India, should have carried out the directions of this Tribunal and engaged and regularised the applicants as Casual labourers. Counsel would, accordingly, urge that this Tribunal could exercise jurisdiction in this case.

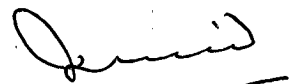
4. We have considered the submissions on either side. We find that the question of jurisdiction has been considered in our detailed order dated 15.5.2003 in O.A. 492/02 and connected cases. The applicants herein have put forward their claim for engagement as Casual Labourers under the BSNL in the light of a right upheld in 1998 long before the formation of BSNL. BSNL is not a notified authority in terms of Section 14(2) of the Administrative Tribunals Act. Therefore, following our detailed findings in the composite order cited above, we hold that this Tribunal has no jurisdiction over BSNL in the absence of a notification under Section 14(2) of the Administrative Tribunals Act. Accordingly, we decline to entertain this application. Applicants are certainly at liberty to move the appropriate forum for addressing their grievance.

5. Application is rejected under Section 19(3) of the Administrative Tribunals Act 1985.

Dated the 18th July, 2003.



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER