

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.119/2002.

Monday this the 28th day of July 2003.

CORAM:

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

M.S.Rosamma,
Chief Section Supervisor,
Bharat Sanchar Nigam Limited,
Telephone Revenue Accounts Wing,
Office of the Divisional Engineer of
Telegraphs, Thodupuzha. Applicant

(By Advocate Shri O.Ramachandran Nambiar)

Vs.

1. Union of India represented by
the Secretary, Ministry of Communications,
Bharat Sanchar Nigam Limited, Sanchar Bhavan,
Government of India, New Delhi.
2. The Director General,
Department of Telecommunications,
Bharat Sanchar Nigam Limited,
Sanchar Bhavan,
New Delhi-1.
3. The Chief General Manager,
Bharat Sanchar Nigam Limited,
Telecom, Kerala Circle, Thiruvananthapuram.
- 4.. The General Manager,
Bharat Sanchar Nigam Limited,
Ernakulam Telecom District, Kochi-31..
5. Deputy General Manager (Administration),
Office of the Principal General Manager,
Ernakulam Telecom District,
Bharat Sanchar Nigam Limited,
Kochi-31.
6. N.Kamalam,
Chief Section Supervisor,
Bharath Sanchar Nigam Limited,
Planning Section (Rural), IV Floor,
Catholic Centre, Kochi-31.
7. O.Madhavan,
Chief Section Supervisor,
Bharath Sanchar Nigam Limited,
Planning Section (Rural), IV Floor,
Catholic Centre, Kochi-31. Respondents

(By Advocate Shri M.R.Suresh, ACGSC(R.1-5))

The application having been heard on 28th 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

The applicant who is a Group 'C' employee--(Chief Section Supervisor) of Bharat Sanchar Nigam Limited (BSNL for short) seeks to get the impugned A3, A5 and A6 orders dated 1.5.97, 20.8.97 and 6.8.98 respectively set aside and prays for the following reliefs:

- i) set aside Annexures A3 and A5;
- ii) set aside Annexure A6 to the extent it denies consideration to the applicant for promotion to the post of Chief Section Supervisor in preference to respondents 6 and 7 and it affects the seniority of the applicant as unreasonable, arbitrary and illegal;
- iii) declare that the applicant is entitled to be considered for promotion against one of the vacancies in the post of Chief Section Supervisor reserved for the Scheduled Tribe community which arose prior to 1.7.1997 and direct the respondents to pass orders accordingly with all consequential benefits thereof or in the alternative;
- iv) declare that the applicant is eligible and entitled to be considered and promoted as Chief Section Supervisor in the Scheduled Tribe quota from the date of such promotion of respondents 6 and 7 in terms of Annexure A6, and direct the respondents 1 to 5 to grant all consequential benefits including arrears thereof,
- v) direct respondents 1 to 5 to place the applicant above the respondents 6 and 7 in the post of Chief Section Supervisor and to grant retrospective promotion with all consequential benefits to the applicant;
- vi) issue such other order, declaration or direction as is deemed just and necessary in the circumstances of the case.

2. When the matter came up for hearing, Shri M.R.Suresh, learned ACGSC raised serious objections on the question of jurisdiction. According to counsel, the applicant being a Group 'C' employee who was absorbed in the BSNL which remains as an authority not notified under Section 14(2) of the Administrative Tribunal's Act, cannot invoke this Tribunal's jurisdiction to adjudicate the matter. Shri O.Ramachandran

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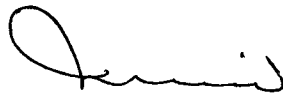
Nambiar, learned counsel appearing for the applicant however, pointed out that, since the orders agitated in this O.A. were issued by the Government of India as is clear from A-3, A-5 and A-6, the reliefs sought for by the applicant were enforceable against the Government of India, as the erstwhile employer of the applicant and that therefore, this Tribunal had proper jurisdiction to adjudicate the matter.

3. We have gone through the facts of the case and examined the legal position. We find that the applicant being a group 'C' employee, already absorbed in the BSNL, w.e.f. 1.10.2000. B.S.N.L. is not an authority which is notified under Section 14(2) of the Administrative Tribunals Act. The orders challenged pertain to a period of more than 2 years prior to the formation of the B.S.N.L. Further O.A. 427/98 challenging A4 and A5 herein had been dismissed as withdrawn though without prejudice vide this Tribunal's order dated 9.4.2001 (A-9). As matters stand, this Tribunal cannot exercise jurisdiction in the matter of deciding the issue raised in this O.A. The issue of jurisdiction is already considered in and covered by our detailed judgement in O.A. 492/02 and connected cases dated 15.5.2003. The applicant is at liberty to approach the appropriate forum for redressal of her grievance. Accordingly, the application is rejected under Section 19(3) of the Administrative Tribunals Act. No order as to costs.

Dated the 28th July 2003.



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER