

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 295 of 2003

Thursday, this the 15th day of May, 2003

CORAM

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

1. A.T. Dasan,
S/o Kesavan,
Senior TOA, Telephone Trunk Exchange,
Calicut, residing at Amritha,
near Railway Station, Koilandy-673305Applicant

[By Advocate Mr. M.R. Rajendran Nair]

Versus

1. The General Manager, Telecom,
Bharat Sanchar Nigam Limited, Calicut-1
2. Bharat Sanchar Nigam Limited represented by
the Chief General Manager, Telecom,
Kerala Circle, Trivandrum.
3. Union of India, represented by the
Secretary to Government of India,
Ministry of Communications, Department of Telecom,
New Delhi.
4. K.M. Abdulla, TOA(P) Grade IV,
O/o Sub Divisional Engineer, OCB,
Telephone Exchange, Manjeri PO.
5. M. Balakrishnan Nair, TOA(P) Grade IV,
O/o Sub Divisional Engineer,
Telephone Exchange, Mookkam PO, Calicut.Respondents

[By Advocate Mr. T.C. Krishna, ACGSC (R1 to R3)]

The application having been heard on 15-5-2003, 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 is a Senior TOA, Telephone Trunk Exchange, Calicut. He is holding a Group 'C' post absorbed in the Bharat Sanchar Nigam Limited (BSNL for short). The grievance in this Original Application is that two persons,

viz. K.M.Abdulla and M.Balakrishnan Nair, who are said to be juniors to the applicant, were given promotion to Grade-IV in the cadre of TOA(P) ignoring the applicant's seniority.

2. The admission of the Original Application is strongly opposed by Shri T.C.Krishna, ACGSC appearing for respondents 1 to 3 on the grounds of jurisdiction. According to him, Group 'C' employees having been totally absorbed in BSNL with effect from 1-10-2000, any question arising out of their service matters would fall outside the purview of the Tribunal's jurisdiction. It has, however, been maintained by the learned counsel for the applicant that this is a case falling within the jurisdiction of the Central Administrative Tribunal. Shri T.C.Krishna, learned ACGSC relies on this Tribunal's decision in OA No.811/2002 dated 28-11-2002, wherein it has been held that absorbed employees of BSNL, who are no longer employees of the Department of Telecom, cannot seek redress of their grievances from the Central Administrative Tribunal. Learned counsel would further point out that the said order has been upheld by the Hon'ble High Court of Kerala in OP No.8534/2003.

3. On a consideration of the legal position and having regard to the specific facts of this case, we notice that the applicant is a Group 'C' employee, who remains absorbed in the BSNL with effect from 1-10-2000. The question of jurisdiction in respect of various categories of employees of BSNL has been extensively considered by this Tribunal in the latest order dated 15-5-2003 in a batch of cases in OA No.492/2002 and other connected cases, wherein this Tribunal has held that the absorbed categories of employees cannot seek redress of their grievances from the Central Administrative Tribunal and that they have to move the appropriate forum for the purpose. In view of our clear findings in the order cited above, we hold

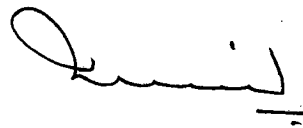
that the applicant's case does not come within the purview of this Tribunal's jurisdiction. Hence, we decline to exercise jurisdiction.

4. In the light of what is stated above, the Original Application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

Thursday, this the 15th day of May, 2003



K.V. SACHIDANANDAN
JUDICIAL MEMBER



T.N.T. NAYAR
ADMINISTRATIVE MEMBER

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