

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 369/2001

Wednesday this the 28th day of May, 2003.

C O R A M

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

A.Unnikrishnan Nair
Lower Division Clerk (Telecom Accounts)
Office of the Chief General Manager
Telecommunications, Kerala Circle
Trivandrum.

Applicant

(By advocate Mr.Thomas Mathew)

Versus

1. Accounts Officer (Cash)
Office of the Chief General Manager
Telecommunications
Bharat Sanchar Nigam Ltd.
Trivandrum.
2. Chief Accounts Officer (F.C)
Office of the Chief General Manager
Telecom (BSNL) Trivandrum.
3. Chief General Manager
Telecommunications (BSNL)
Kerala Circle, Trivandrum.
4. Chairman cum Managing Director
Bharat Sanchar Nigam Ltd.
Sanchar Bhavan, New Delhi.
5. Union of India represented by
Its Secretary
Ministry of Communications
New Delhi.

Respondents


(By advocate Mr.N.M.James, ACGSC)

The application having been heard on 28th May, 2003, the Tribunal on the same day delivered the following:

O R D E R

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

Applicant, a Lower Division Clerk (Telecom Accounts) in the Office of the Chief General Manager, Telecommunications, Kerala Circle - an employee absorbed in the BSNL - has filed this application challenging A-8 dated 19.3.2001 issued by the BSNL

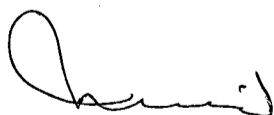


office of the Chief General Manager, Telecommunications, Kerala Circle by which the benefit of pay fixation given to him taking into account his past service has been cancelled and his pay has been refixed with detriment to him with effect from 24.1.2000.

2. A detailed reply statement was filed by the respondents and the matter was heard. However, as there is no argument raised on the question of jurisdiction, the matter is listed today for being spoken to.

3. We have heard the learned counsel on either side on the question of jurisdiction. That the applicant was an employee of the BSNL in January 2000 is not in dispute. It cannot also be disputed that the impugned order was passed by the BSNL. In Prabir Kanti Choudhury Vs. Union of India and others in OA No.2/2001 decided by the Kolkata Bench of this Tribunal on 3.1.2001, it was held that the employees of the BSNL cannot approach the Central Administrative Tribunal for redressal of their grievance. Recently, the Ernakulam Bench of the C.A.T. in a batch of cases in OA No.492/02 and other cases has held that employees absorbed in BSNL are not entitled to invoke the jurisdiction of this Tribunal for redressal of their grievance. Under these circumstances, this Tribunal does not have jurisdiction to decide the issue involved in this case and, therefore, this application is dismissed. The applicant is free to seek remedy before appropriate forum. No costs.

Dated 28th May, 2003.



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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