

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.377/2002

Tuesday this the 22nd day of October, 2002.

CORAM

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

P.V.Mary
W/o Joseph
Kattikattu House
Kumbalanghi
Cochin - 682 007.
Working as Part Time Sweeper
Telephone Exchange
Kumbalanghi.

Applicant.

(By advocate Mr.N.N.Sugunapalan)

Versus

1. Principal General Manager
Telecom, Bharath Sanchar Nigam Ltd.,
Ernakulam, Kochi.
2. Assistant General Manager (Administration)
Telecom, BSNL, Ernakulam.
3. Sub Divisional Officer/Assistant Engineer
Telecom, BSNL, Kumbalanghi.
4. Union of India, rep. by the
Secretary, Department of Telecom
Ministry of Communication
Government of India
New Delhi.

Respondents.

(By advocate Mr.R.Madanan Pillai, ACGSC)

The application having been heard on 22nd October, 2002,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant has filed this Original Application seeking the following reliefs:

- i) To direct the respondents 1 & 2 to consider and take a decision on A-1 representation filed by the applicant.
- ii) To direct the respondents 1 to 3 to disburse to the applicant the monthly pay due to her from January 2002 onwards, immediately without any delay.
- iii) Award to the applicant the costs of these proceedings and
- iv) Grant such other and further reliefs as are just, proper and necessary or may be prayed for.



2. Applicant's case is that she was working as part time sweeper since the year 1992 in the Telephone Exchange, Kumbalanghi. According to her, at that time, the Telephone Exchange was working in a small hall and subsequently the exchange expanded and additional floors were constructed and that the applicant was sweeping more than 2000 sq.ft. daily and she had been receiving Rs.1000 per month and she had been discharging her functions only as a sweeper in the entire area. She filed A-1 representation before the respondents praying that she be considered for regular appointment as full time sweeper taking into consideration her present functions

3. Respondents filed reply statement raising preliminary objection that the applicant was not an employee either of the Central Government or of BSNL and that she was never a part time or full time employee of the Department of BSNL and that consequent on the absorption of all Group C and Group D staff to the BSNL, this Tribunal had no jurisdiction for disposal of the disputes pertaining to Group C and Group D employees of BSNL.

4. As a preliminary objection had been raised before the admission of the OA, we heard the learned counsel for the parties on the question of jurisdiction. We find that in this OA, the prayers of the applicant are for directions to respondents 1 to 3. There is no prayer against respondent No.4 which is Union of India. Respondents 1 to 3 are admittedly officers of the BSNL. There is no dispute among the parties that BSNL has not been notified under Section 14 (2) of the Administrative Tribunals Act, 1985 as a Corporation to which the provisions of Section 14 (3) of the said Act would apply.

A handwritten signature in black ink, appearing to read "A. S." or a similar initials.

5. Keeping in view the nature of reliefs sought for and the fact that BSNL has not been notified as a Corporation coming under the purview of this Tribunal, this OA is liable to be rejected at the admission stage for lack of jurisdiction. We do so accordingly. The applicant is at liberty to pursue for appropriate reliefs at the appropriate forum, if so advised.

Dated 22nd October, 2002.



K.V. SACHIDANANDAN
JUDICIAL MEMBER



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

aa.

APPENDIX

Applicant's Annexures:

1. A-1: True copy of representation dated 5.9.2001 submitted by the applicant before the 2nd respondent.
2. A-2: True copy of the Circular issued by DOT dated 29.8.2000.

Respondents' Annexures:

1. R-1: True copy of DGP&T No.269/39/84-STN dated New Delhi, 14.8.84.
2. R-2: True copy of DGP&T No.269/39/84-STN New Delhi-1, dated 15th February, 1985.
3. R-3: True copy of letter No.269-94/98-STN-II Department of Telecom Services Sanchar Bhavan, 20, Ashoka Road, New Delhi. (STN-II Section) dated 29.9.02 along with its annexure.

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24.10.02