

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

ORIGINAL APPLICATION NO: 352/2003.

THIS? THE 1st day of September, 2003.

HON. MR. A.K. MISRA MEMBER(A)

HON. SMT. MEERA CHHIBBER MEMBER(J)

M.A. Khan, aged about 49 years, son of Late Shri Aijaz Khan  
resident of 538-Kha/N-1 Prabhu Dayal Nagar, Khadra, Near number  
Chakki, Khadra, Lucknow.

.....Applicant.

BY ADVOCATE SHRI A.K. SRIVASTAVA.

VERSUS

1. Union of India, through its Secretary Tele-Communication  
Government of India Sanchar Bhawan, New Delhi.
2. Chief General Manager Tele Communication (East) Bharat  
Sanchar Nigam Limited U.P. Circle Mahatma Gandhi Marg, Lucknow.
3. Principal General Manager Telecommunication, Bharat  
Sanchar Nigam Limited Lucknow District, Ghandhi Bhawan, Lucknow.
4. Assistant General Manager (Admn) Office of the Principal  
General Manager Telecommunication, Bharat Sanchar Nigam Limited  
Lucknow District Lucknow.

.....Respondents.

BY ADVOCATE SHRI G.S.SIKARWAR.

ORDER (ORAL)

BY HON. SMT. MEERA CHHIBBER, MEMBER(A)

By this O.A., the applicant has sought quashing



of the order dated 20.6.2003, whereby four officiating SDEs including the applicant, were reverted to their substantive capacity of the JTO with effect from after ~~noon~~ noon 31.3.03 or the date of officiating period of 180 days which ever is earlier (Annexure No.1). This order has been passed by Bharat Sanchar Nigam Limited. Before <sup>entering up</sup> ~~entrance~~ into the controversy on the merits of the case, we had put a query to the applicant's counsel, as to how this O.A. is maintainable in this Tribunal, when the respondents are Bharat Sanchar Nigam Limited and the impugned order is also passed by Bharat Sanchar Nigam Limited, and no notification under Section 14 (2) of the AT ACT 1985, has been issued so far to bring the Bharat Sanchar Nigam Limited within the jurisdiction of the Tribunal.

2. Counsel for the applicant~~s~~ submit-~~ted~~ that neither the applicant was appointed by the Bharat Sanchar Nigam Limited, nor he has been regular employee of Bharat Sanchar Nigam Limited and even promotion order was issued on officiating basis by the department of Tele-Communication therefore, Bharat Sanchar Nigam Limited, is not the employer of applicant. As such, according to the applicant's counsel, this O.A. would be maintainable in the Tribunal.

3. At this juncture, it would be relevant to refer the the judgment reported in 2002 Vol.1 All India <sup>Service</sup> Law Journal in the case of Ram Gopal Verma Versus Union of India & Others wherein, it was held as under:-



"Even if TES officers while on deputation suspended by MTNL, Act whether CAT has jurisdiction over such matters. High Court held, since MTNL has not been brought within the perview of CAT by issuing a notification under Section 14 (2) of the AT Act, 1985, Tribunal will have no jurisdiction in such matters as relief is sought against the MTNL.

4. The principle laid down in the above judgment, <sup>be applicable</sup> ~~would clearly applied~~ in the present case before us as well, for two reasons firstly, because, the order impugned before us has been passed by BSNL, and secondly because, the respondents arrayed by the applicant himself are Bharat Sanchar Nigam Limited. Therefore, the ~~next~~ question of law that arises is whether, we can entertain a grievance arising out of the orders passed by Bharat Sanchar Nigam Limited. The answer <sup>is</sup> NO. Bharat Sanchar Nigam Limited is a corporation and so far, it has not been brought within the perview of Tribunal, as no notification under Section 14 (2) of the AT ACT has been issued so far. Therefore, it is clear that we have no jurisdiction in the present case, the O.A. is accordingly dismissed as not maintainable in the Tribunal. However, applicant would be at liberty to seek redressal of his grievance in the proper forum. No order as to costs.



MEMBER(J)



MEMBER(A)

LUCKNOW: DATED: 1.9.2003.

V.