

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA No. 530 of 2005

Patna, dated the 16th August, 2005

CORAM: The Hon'ble Mr. Justice P.K. Sinha, V.C.
The Hon'ble Mr. Mantreshwar Jha, Member[A]

Binod Kumar and 10 others .. Applicants

By Advocate: Shri R.K.Jha

versus

The Union of India & others .. Respondents
By Advocate: Shri S.C. Jha

ORDER

Mantreshwar Jha, Member[A]:-

This application has been filed for quashing and setting aside Annexures-A/8 and A/9 and for direction to the respondents to re-assess working periods of all the applicants, except applicant no.10, and if they are found working for more than 240 days, to grant them temporary status. Prayer has been made for allowing the joint application as they have common cause of action as well as relief. These applicants had filed earlier OA also for similar relief and the respondents were directed to consider the claim of the applicants and pass appropriate reasoned and speaking order. The orders at Annexures-A/8 and A/9 are orders passed in pursuance of direction of

this Tribunal in OA 712/2000 and OA 205/2001.


2. During the course of argument, a preliminary objection was raised by the learned counsel for the respondents regarding jurisdiction of this Tribunal in entertaining this case. It was submitted that since the grievance relate to grant of temporary status in Bharat Sanchar Nigam Limited, which is outside the jurisdiction of this Tribunal, the application should not be entertained. Learned counsel for the applicants referred to the Full Bench judgment of Jaipur Bench of this Tribunal decided on 24.3.2004 in OA Nos.401 to 408 of 2002 wherein it was held that this Tribunal has no jurisdiction to entertain the applications pertaining to service matter filed by the employees who have been permanently absorbed in BSNL. Learned counsel for the applicants submitted that since the applicants have not been permanently absorbed in BSNL, their case can be entertained by this Tribunal.

3. We have heard Shri R.K.Jha, learned Counsel for the applicants and Shri S.C. Jha, learned Additional Standing Counsel for the respondents and carefully gone through the Full Bench judgment referred to above. The prayer for joint application is allowed as the applicants have a common cause of action. However, so far as the

maintainability of the case is concerned, the applicants have impleaded Chief General Manager, General Manager and Telecom District Engineer who are all representatives of BSNL, which is outside the purview of this Tribunal, as notification under sub-clauses[ii] and [iii] of sub-section [1] of Section 14 of the A.T. Act, 1985, has not been issued enabling this Tribunal to have jurisdiction over BSNL. The applicants seek relief concerning recruitment and grant of temporary status in BSNL, which is outside our jurisdiction. Besides, the applicants' case has been considered earlier to the date of Full Bench judgment and the matter has already been examined in detail by concerned respondents and there is no reason why the same should be referred back for consideration again in view of the legal position as explained above.

4. In view of above, the OA is dismissed for want of jurisdiction. No costs.


[Mantreshwar Jha]
Member[A]


[P.K.Sinha]
Vice-Chairman

cm