

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Dated this Friday the 8th day of August, 2003

Couram: Hon'ble Mr.A.S.Sanghvi - Member (J)
Hon'ble Mr.Shankar Prasad - Member (A)

O.A. 748 of 2000

R.O.Patil,
CGS,TRA Unit,
O/o GMT Kolhapur,
R/o B.I.Ustad,
795-A, Ward Hyder Road,
Kolhapur.
(By Advocate Shri S.P.Kulkarni) - Applicant

Versus

1. Union of India,
through the Secretary,
Department of Telecom Services,
Sanchar Bhavan, Parliament Street,
New Delhi.
2. The Chief General Manager,
Maharastra Telecom Circle,
2nd Floor, CTO Building,
Hutatma Chowk, Fort,
Mumbai.
3. The General Manager,
Kolhapur Telecom District,
Kolhapur.
4. Shri B.M.Kohli,
Telecom, Kolhapur.
(By Advocate Shri V.G.Masurkar) - Respondents

ORAL ORDER

By Hon'ble Mr.A.S.Sanghvi, Member (J)

Heard the learned counsel of parties.

2. The applicant who was originally recruited by the Telecom Department and consequent upon the formation of Bharat Sanchar Nigam Limited (in short 'BSNL'), is now absorbed as Group 'C' employee of the BSNL has moved this OA, seeking promotion under the Biennial Cadre Review Scheme etc.

3. Shri Masurkar, counsel for the respondents at the outset pointed out that the applicant having been absorbed as Group 'C' employee of the BSNL, in view of the Bombay High Court judgment in the case of BSNL Vs. A.R. Patil, 2003 (1) SLR 386, this Tribunal has no jurisdiction to entertain and try the OA. He has submitted that having been absorbed by BSNL, he has ceased to be an employee of the Telecom and as such this Tribunal lacks the jurisdiction to decide the question raised by the applicant in this OA.

4. We agree with the submission of Shri Masurkar. It is an admitted position that the applicant is an absorbed employee of the BSNL. We do not have jurisdiction to entertain and try this OA. We therefore, direct the Registry to return the OA to the applicant for presentation before the appropriate forum. This OA stands disposed of. No costs.

(Shankar Frasad)
Member (A)

(A.S.Sanghvi)
Member (J)