

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO: 269/2001
DATED THE 20TH DAY OF AUGUST, 2001

CORAM: HON'BLE SHRI JUSTICE ASHOK C AGARWAL, CHAIRMAN
HON'BLE SHRI G.C. SRIVASTAVA, MEMBER(A)

Shri Dinkar Amratrao Wankhede,
At present working as Draftsman,
G-I, under General Manager,
Telecom, Akola, Residing at
Vivek Grah Nirman Society,
Behind Ramdeo baba Flat,
Sudir Colony, Akola.

... Applicant

By Advocate Shri S.S. Karkera

V/s.

1. The Union of India,
Through The Director General,
Department of Telecom Sanchar Bhavan,
Ashoka Road,
New Delhi - 110 001.
2. The Chief General Manager,
Maharashtra Telecom Circle,
Fountain Telecom Bldg., No.II
M.G. Road, Fountain,
Mumbai - 400 001.
3. The General Manager,
Telecom Akola,
Old Customs Market,
Akola.

... Respondents

By Advocate Shri V.S. Masurkar

(ORAL)(ORDER)

Per Justice Ashok C Agarwal, Chairman

Certain Draftsman - Grade-I, II & III (Civil/Electrical)
of Civil wing working in the Department of Communication and
Department of posts have instituted in the Principal Bench, New
Delhi OA No.1978/88 claiming parity of pay scales with their
counter part in the CPWD. By an order passed on 31/7/92, the
aforesaid OA was allowed granting parity of pay scale as claimed.
Aforesaid order impugned by the respondents by filing a Writ

...2.

Ref

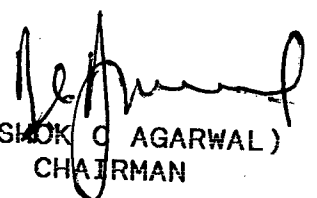
Petition in the High Court which was dismissed. The matter was thereafter carried in LPA 109/94. Respondents in purported compliance of the directions of the Tribunal in the aforesaid OA 1978/88 have re-structured the cadre of Draftsman by creating post of Draftsman Gr.I and II by an order passed on 7/9/94 at Exhibit-I. However, respondents vide the impugned order passed on 17/10/2000 at Annexure A have cancelled the aforesaid orders of promotion and have directed recovery of the excess payment made over to the applicant. Aforesaid order at Exhibit-A has been issued without putting applicant to notice and without offering him an opportunity. Hence this order has been impugned in the OA.

2. ^{we find liable to be} The aforesaid prayers are ~~rejected by the respondents in~~ substance on ~~a substantial~~ ground ~~mainly~~ that this Tribunal has no jurisdiction to entertain the present OA. Applicant ~~as pointed out~~ is in employment of Bharat Sanchar Nigam Ltd which is not one of the ^{authorities} ~~company~~ which have been notified under section 14(2) of the Administrative Tribunals Act. Though applicant has impugned the orders at Exhibit-A to C, which have been issued by the Department of Telecommunication, which is within the jurisdiction of this Tribunal, he has also impugned an order at Exhibit-D issued by Bharat Sanchar Nigam Ltd, which is outside the scope of jurisdiction of the Tribunal. Since applicant is in the employment of the Bharat Sanchar Nigam Ltd and since he has impugned an order passed by Bharat Sanchar Nigam Ltd (Exhibit-D), this Tribunal will have no jurisdiction:

3. ~~In our judgement, the aforesaid object is just and valid.~~
The present OA in the circumstances is dismissed for want of jurisdiction. No order as to costs.

Interim relief will stand ^{vacated} ~~rejected~~ after a period of one month from today.


(G.C. SRIVASTAVA)
MEMBER(A)


(ASHOK C. AGARWAL)
CHAIRMAN

abp