

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Dated this Tuesday the 12th day of November, 2002

Coram: Hon'ble Mr.B.N.Bahadur - Member (A)  
Hon'ble Mr.S.L.Jain - Member (J)

O.As.787 & 827 of 2001

Chunairam Yadav  
S/o Nanakuram Yadav,  
aged 55 years, Wireman,  
Telephone Exchange, Versova,  
Andheri, Mumbai.  
R/o K.D.Compound,  
Gandhinagar, Kandivili (West),  
Mumbai.  
(By Advocate Shri S.P.Kulkarni) - Applicant

Versus

1. Union of India  
through Assistant General Manager  
Mahanagar Telephone Nigam Limited,  
O/o Chief General Manager,  
Telephone house, 13th Floor,  
V.S.Marg, Dadar (West),  
PO Mumbai.
2. General Manager (West-I),  
Santacruz (West) MTNL,  
PO Mumbai.
3. Assistant General Manager,  
O/o CGM (Union Cell)  
Telephone House, 9th Floor,  
V.S.Marg, PO Mumbai.
4. Secretary,  
Department of Telecommunications,  
(Bombay Telephone Cell),  
Sanchar Bhawan, 20-Asoka Road,  
PO New Delhi.  
(By Advocate Shri V.S.Masurkar) - Respondents

COMMON ORAL ORDER

By Hon'ble Mr.B.N.Bahadur, Member (A) -

We have heard together OAs 787/2001 and OA 827/2001. It transpires that by some clerical mistake even though both OAs being heard together, the latter OA has been failed to be listed together. By specific consent of both learned counsel, the second OA is also taken up for disposal today. Hence, common order.

2. The issue that has been argued before us by learned counsel on both sides first, is the issue of jurisdiction. We have heard learned counsel on both sides viz. Shri S.P.Kulkarni, for the Applicant and Shri V.S.Masurkar for the Respondents. The matter relates to MTNL and hence basic reliance was placed by learned counsel for the Respondents on the judgment of the Delhi High Court in the matter of Ram Gopal Verma Vs. Union of India, (2002 (2) ATJ 364 = 2001 Lab.IC 3781. The learned counsel Shri S.P.Kulkarni had argued on the point that in given facts and circumstances of the present case, Ram Gopal's judgment can be distinguished.

3. Shri Kulkarni's main thrust of arguments relating to Para 5 of Ram Gopal's judgment itself, the relevant portion on which he placed reliance is as follows:

".....Therefore, even when he held a lien on the post of TES Officer, his grievance directed against order suspending him from the post of SDE (Cables) in MTNL was not entertainable by Tribunal for lack of jurisdiction. It is also not the case that impugned order of his suspension was a composite order passed with the approval of DOT which could perhaps provide some basis for Tribunal's jurisdiction. This order was passed by the Chief General Manager on his own and it is not for us to examine whether it was passed validly or otherwise."

The stand of the learned counsel was that the penalty order in respect of the Applicant in both OAs was a composite order passed with the approval of the DOT and that the ratio above quoted would hold force in allowing the Applicant his jurisdiction. We note the relevant sentence on which he focussed his attention again. It reads as follows:

".....It is also not the case that impugned order of his suspension was a composite order passed with the approval of DOT which could perhaps provide some basis for Tribunal's jurisdiction."

....3/-

4. It will be difficult for us to accept that this is a clear ratio made on the issue in question. We cannot divert from the fact that the main issue that has been decided in the case of Ram Gopal Verma's case is that this Tribunal has no jurisdiction in the cases of MTNL. In the present case we cannot hold that the mere observation as quoted above can go against the very grain of the main ratio decided.

5. Learned counsel Shri Kulkarni had tried to argue some points on merits but once we hold that we have no jurisdiction, we will not go into the merits of the case.

6. In view of the above discussion, we hold that we have no jurisdiction in respect of either of the OAs. Both OAs 787 of 2001 and 827 of 2001 are disposed of for want of jurisdiction. They may be presented before the appropriate forum.

7. No orders as to costs.

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(S.L.Jain)  
Member (J)

(B.N.Bahadur)  
Member (A)

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