

C.P.No. 39/01
for order, heard
on 11-6-01

46

6) 11.6.2001 C.P. No: 39/2001

Shri G.S. Walia for the
applicant. Shri V.S. Masurkar
for the Respondents.

Heard counsel for both
parties.

After filing of this C.P., we
are informed that the applicant
has been sent on training.

Issue notice to R-2.

Notice against R-1 will be
considered, if necessary, after the
receipt of reply of R-2.

R-2 is permitted to be present
through counsel in case he does
not want to come personally at
this stage to submit his reply to
the C.P.

case posted to 9.7.2001.

M.
P. 19/6
(B. N. Sabharwal)
MCA.

B. Dixit
(B. Dixit)
V.C.

Notices
Order/Judgement despatched
to Applicant/Respondent(s)
on 20/6/2001

(P)
21/6/2001

⑥ Per Tribunal Date: 9/7/01

Applicant in person by Mr. E.K.S.
Advocate / Respondent by Shri V.S. Masurkar
Counsel. Traffic dislocated due to heavy rain
The matter adjourned to 23/7/2001
for Contempt order

{ M.1
Dy. Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.199/2001.

Monday, this the 15th day of April, 2002.

Hon'ble Shri Justice Birendra Dikshit, Vice-Chairman,
Hon'ble Shri B.N.Bahadur, Member (A).

R.C.Gupta,
11, Vijay Co-Op. Housing Society,
Sector - III, Airoli,
Navi Mumbai - 400 708.
(By Advocate Shri G.S.Walia)

...Applicant.

Vs.

1. Union of India through
Chief General Manager,
Telecom,
Maharashtra Circle,
Fort, Mumbai - 400 001.

2. Principal General Manager,
Kalyan Telecom District,
Kala Talao,
Kalyan.
(By Advocate Shri V.S.Masurkar)

...Respondents.

: ORDER :

Birendra Dikshit, Vice-Chairman,

By this O.A., the applicant, who is working as Phone Inspector, has challenged his withholding for being sent for training in view of order dt. 7.3.2001. The order dt. 7.3.2001 has been passed by Divisional Engineer (Vigilance) (Annexure - A-I). In said order the ground for withholding him from being sent to the training is that an Anti Corruption case is pending against him.

2. The applicant is a Phone Inspector, a Group 'C' employee, with Bharat Sanchar Nigam Limited (in short, BSNL) which factual position has been placed before us during arguments. Although

B. Dikshit

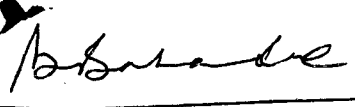
...2.

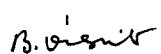
BSNL has not been impleaded as Respondent in this case and Union of India through Chief General Manager (Telecom), Maharashtra Circle, Fort, Mumbai, as well as, Principal Manager, Kalyan Telecom District, Kalyan have been impleaded as Respondents, the actual grievance of applicant is against withholding him from being sent to the Training by BSNL. A Division Bench of this Tribunal has already taken ~~a~~ view in OA No.155/2001 : J.B.Mendhe Vs. Union of India decided on 26.7.2001 that Central Government has not notified BSNL under section 14(2) of the Administrative Tribunals Act and therefore, this Tribunal has no jurisdiction to entertain the OA.

3. The Learned Counsel for applicant tried to distinguish the case of J.B.Mendhe (supra) by placing facts, but the fact remains that the applicant having been absorbed by BSNL as a Group 'C' employee, the OA is liable to be dismissed for want of jurisdiction.


4. The OA is dismissed. No order as to cost.

5. In view of want of jurisdiction C.P. is also dismissed and proceedings are dropped.


(B.N. BAHADUR)
MEMBER(A)


(BIRENDRA DIKSHIT)
VICE-CHAIRMAN

B.


Order/Judgement despatched
to Applicant/Respondent (s)

on 21/5/02

