

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH: :MUMBAI

ORIGINAL APPLICATION NO.320/2001

THIS THE 24TH DAY OF JULY, 2003

CORAM: HON'BLE SHRI A.S. SANGHVI. MEMBER (J)
HON'BLE SHRI SHANKAR PRASAD MEMBER (A)

1. Shri Sunil Dattaram Nare,
working as Sr. TOA (Gr.II) VLTE,
MTNL, Mumbai-400 001.
2. Shri Dilip Ramchand Moolchandani,
working as St. 33625, Sr. TOA (Gr.II)
MTNL, Mumbai.
3. Shri Arun K. Bedekar,
owrking in MTNL Mumbai.
4. Smt. Pravina Ashok Telure,
Staff No.38556, HGTO,
MTNL, Mumbai
5. Shri Jayan Menon,
SSO, Sr. No.27727, Telephone House,
MTNL, 2nd Floor,
PO Mumbai-28. ... Applicant

By Advocate Shri S.P. Kulkarni.

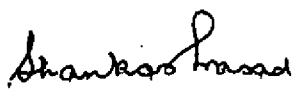
Versus

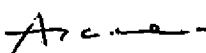
1. Chief General Manager,
Mahanagar Telephone Nigam Limited,
(MTNL), Mumbai East Wind,
Examination Cell, 14th floor,
Telephone House, Veer Sawarkar Marg,
Dadar (West), At PO Mumbai 400028.
2. The Director (D.E. & V.P.)
Department of Telecommunications,
Dak Bhavan, Sansad Marg,
At PO New delhi-110 001.
3. Union of India
through the Chairman,
Telecom commission, Sanchar Bhawan,
20 Ashoka road,
At PO New delhi-110 001. ... Respondents

By Advocate Shri V.S. Masurkar.

O R D E R (ORAL)
Hon'ble Shri A.S. Sanghvi. Member (J)

This OA is moved by the applicants challenging the written examination held by the respondents as well as the action of the respondents in not extending the benefit of the relaxation in the passing mark to them, though the same was extended to the candidates of 1999 selection. Earlier when the selection for 1996, 1997 and 1998 were held the applicants belonged to the Department of Telecom but after the constitution of the MTNL they are absorbed in MTNL. Since the applicants are now the employees of MTNL a contention was raised by Mr. V.S. Masurkar learned counsel for the respondents that this Tribunal has no jurisdiction to entertain and try this OA. In view of the applicants ceasing to be the employee of Department of Telecom, and MTNL not being notified under Section 14 (2) of the AT Act 1985 and since the applicants belong to Group-C category and admittedly Group-C and Group-D of the Department of Telecom have been absorbed in MTNL or BSNL as the case may be, clearly this Tribunal does not have any jurisdiction over them. In view of this position, there is no other alternative but to return the OA to the applicant for presentation before the proper forum. We therefore direct the registry to return the OA ^{to the applicants} retaining one set for the record purpose. OA stands disposed of. No order as to costs.


(SHANKAR PRASAD)
MEMBER (A)


(A.S. SANGHVI)
MEMBER (J)

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