

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
BOMBAY BENCH, MUMBAI.

ORIGINAL APPLICATION NO.247/98 and 210/2001.

Dated: 30.7.04

D.P.VaidyaApplicant(s)
Shri M.K.PanditAdvocate for
applicant(s).

Vs.

Union of India & Ors.Respondent(s)
Shri V.S.MasurkarAdvocate for
Respondent(s)

Coram: Hon'ble Shri Anand Kumar Bhatt, Member (A),
Hon'ble Shri Muzaffar Husain, Member (J)

(1) To be referred to the Reporter or not?
(2) Whether it needs to be circulated to
other Benches of the Tribunal?
(3) Library.


(ANAND KUMAR BHATT)
MEMBER (A).

B.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
BOMBAY BENCH, MUMBAI.

ORIGINAL APPLICATION NOS.247/98 & 210/2001.

Dated: 30.7.04

Hon'ble Shri Anand Kumar Bhatt, Member (A),
Hon'ble Shri Muzaffar Husain, Member (J).

1) Original Application No.247/98.

Dilip Prabhakar Vaidya,
Age about 48 Occ. Service
in the office of G.M.T.
Sangli.
(By Advocate Shri M.K.Pandit)

...Applicant in both
OA Nos.247/98 & 210/01

Vs.

1. The Union of India
represented by Hon. Secretary,
Department of Telecommunication,
New Delhi.
2. Hon. General Manager,
Telecommunication Dist. Sangli,
Originally named as T.D.M. Sangli
Telephone Bhavan,
Sangli.
3. S.I. Thaware, Age about 52 years
Occ. Service now working under the
Office of the Telephone
Exchange Chandrapur Dist. Chandrapur.
4. B.A.Patil, Age 48 Occ. Service now
working in the office of S.D.E.
Administration, G.M.T. Sangli.
5. J.B.Wagh, Age, 43 Occ. Service now
working in the office of the Trunk
Exchange Sangli.
6. R.G.Koli, Age about 50 Occ. Service,
Now working in the office of Kolhapur
Telecommunication office Telephone Bhavan,
Kolhapur.
(By Advocate Shri V.S.Masurkar)

...Respondents in OA
Nos.247/98 and 210/01.

...Respondents in
OA No.247/1998.

: O R D E R :

{Anand Kumar Bhatt, Member (A)}

Original Application Nos.247/1998 and 210/2001 have been
filed by D.P.Vaidya who is admittedly a Group 'C' employee who

...2.



was earlier in the Department of Telecommunication, who has been absorbed in BSNL. Whereas, O.A. No.247/1998 relate to matters relating to the employee's dies non and increment, O.A. No.210/2001 relate to his fixation of pay as per the guidelines of the IVth Pay Commission.

2. Applicant's counsel Shri M.K.Pandit and Respondents' counsel Shri V.S.Masurkar are present.

3. A preliminary objection has been raised by the Learned Counsel for the respondents that as the applicant is a Group 'C' employee who has finally been absorbed in BSNL, the Tribunal does not have any jurisdiction to entertain the present two OAs. He has cited the Full Bench Judgment of the Tribunal in B.N.Sharma Vs. Union of India & Ors. {2004 (2) A.T.J. 11}.

4. We consider it appropriate first to decide the preliminary objection before taking the case on merits. In the cited Full Bench Judgment of the Tribunal the issue under consideration was whether the Tribunal has the jurisdiction on service matters with respect to the Central Government employees who have been absorbed in the BSNL. The Full Bench discussed the various judgments in this regard especially the Judgment of the BOMBAY High Court in BSNL Vs. A.R. Patil and Ors. {2002 (3) ATJ 1} and that of Delhi High Court in Ram Gopal Verma Vs. Union of India & Anr. {2002 (1) SLJ 353}. It was held by the Full Bench that in cases in which the employees had been absorbed permanently with the BSNL, the Central Administrative Tribunal has no jurisdiction to adjudicate upon their service matters till a notification under sub-section (2) to Section 14 is issued.

5. The present Bench is bound by the Full Bench decision, as

-3-

well as the decision of the Bombay High Court in the case of A.R.Patil (supra). Both the OAs are dismissed for want of jurisdiction. Costs easy.

Muzaffar Husain
(MUZAFFAR HUSAIN)
MEMBER (J)

Anand Kumar Bhatt
(ANAND KUMAR BHATT)
MEMBER (A)

B.