

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA NO. 250/2002

DATE OF ORDER: 31-5-2002

Lalchand Saini son of Shri Poori Lal Saini, Telecom Machanic aged about 52 years, resident of Nainwa Road, Indira Colony, Bundi.

....Applicant.

VERSUS

1. Union of India through Secretary to the Government of India, Department of Telecom, Ministry of Telecommunications, Sanchar Bhawan, New Delhi.
2. The Chief General Manager Telecommunication, Rajasthan Telecom Circle, Sardar Patel marg, Jaipur.
3. The General Manager Telecom District, Kota.
4. The Telecom District Engineer, Bundi.

.....Respondents.

Mr. R.P. Pareek, Counsel for the applicant.

CORAM

Hon'ble Mr. A.P. Nagrath, Member (Administrative)

Hon'ble Mr. J.K. Kaushik, Member (Judicial)

ORDER

PER HON'BLE MR. J.K. KAUSHIK, MEMBER (JUDICIAL)

Shri Lal Chand Saini has filed this OA u/s 19 of the Administrative Tribunal's Act for seeking a direction to allow to work on the post of Telecom Mechanic for which he has qualified the Screening Test and acquired practical training and treat him the employee of the respondent department.

2. The case of the applicant is that he was appointed for Group IV post on dated 9.6.79 in the office of Post Master Bundi. In the year 1993, he was directed to join as Telegraph Messenger in the Telegraph office, Bundi. He also qualified the Screening test of the Postal Telecom Mechanic in May, 1999 and has also been imparted the requisite training as well allowed due fixation in the revised scale of




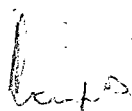
of Telephone Mechanic. He sought absorption by option in Bharat Sanchar Nagar Ltd. (hereinafter referred as BSNL). He has been permanently absorbed in BSNL w.e.f. 1.10.2000 vide communication dated 25.1.2002 (Annexure A/12). He is accordingly working on the post of Telegraph messenger in the pay scale of 3200-4900 in the office of Telecom District Budni in BSNL. It is averred that now order dated 18.3.2002 has been passed, wherein it has been directed that the applicant, a postal employee, be relieved for his parent department immediately. The applicant has challenged the order dated 18.3.2002 (Annexure A/1) by which his controlling authority has been directed to relieve him for training in Postal Department. It has been stated that the applicant has not been relieved from the present post as yet.

3. We have heard the submissions made by the learned counsel for the applicant and perused the records of this case..

4. After permanent absorption in BSNL w.e.f. 1.10.2000, the applicant has become a permanent employee of BSNL. BSNL is a corporate body and it has not been notified u/s 14 of the Administrative Tribunal's Act and unless it is notified, we are not in a position to entertain this OA for want of jurisdiction. Thus we cannot issue any direction in the matter since the impugned order has been issued by BSNL and the applicant is a permanent employee of the same. We are fortified in our view by the judgement dated 3.1.2001 in OA No. 2/2001, Prabir Kant Choudhary vs. Union of India & Others reported at Page 4 of Swamy News, April 2001.

5. In view of the aforesaid discussion, we cannot entertain this OA and are left with no option except to return this OA to the applicant for presenting the same with the appropriate forum. We do so accordingly and direct the Registry to do accordingly.

  
(J.K. KAUSHIK)  
MEMBER (J)

  
(A.P. NAGRATH)  
MEMBER (A)