

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

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Date of Order : 05.06.2003.

O.A. No. 516/2002

Bhanwar Lal Makwana S/o Shri Kishan Lal Makwana, aged 52 years, working as Telecom Technical Assistant (TTA), under Manager, Telecom District Ajmer and Resident of House No. 1-A, Near Ajmer Public School, Ajay Nagar, Ajmer.

.....Applicant.

versus

1. Union of India through Secretary,
Department of Telecommunications,
Ministry of Communications,
New Delhi.
2. Chief General Manager,
Rajasthan Telecom Circle,
Jaipur No.1, Jaipur.
3. General Manager,
Telecom District,
Ajmer.

.....Respondents.

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CORAM :

Hon'ble Mr. Justice G.L. Gupta, Vice Chairman

Hon'ble Mr. G.C.Srivastava, Administrative Member

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Mr. N.K. Gautam, counsel for the applicant.

Mr. T.P.Sharma, counsel for the respondents.



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ORDER
[PER MR. JUSTICE G.L. GUPTA]

The applicant is working as Telecom Technical Assistant (TTA) under the Manager, Telecom District Ajmer. He submitted his option when the TTA cadre structuring was under taken in the year 1994. He was sent for training of TTA in January 1997 and he completed the training in April 1997. He was promoted as TTA vide order dated 26.9.2000 (Annexure A/4).

2. The grievance of the applicant is that since he had completed his training in 1997 he ought to have been promoted as TTA along with the other trainees of the batch of 1997. He made representation but, no action was taken, hence, he filed O.A. No. 549/2001 before this Tribunal which was disposed of vide order dated 15.1.2002 directing the respondents to decide the representation of the applicant dated 23.4.2001. The respondent No. 2 vide order Annexure A/1, has rejected the said representation of the applicant. Hence this O.A. seeking promotion from 1994-95 with the trainees of the batch of 1995.

3. The respondents have filed short reply raising preliminary objection as to maintainability of the O.A. It is averred that the applicant has already been absorbed in the Bharat Sanchar Nigam Limited and as he is no more employee of the Telecom department, this Tribunal does not have jurisdiction to entertain this matter.

4. We have heard the learned counsel for the parties and perused the documents placed on record.

5. Under Section 14 of the Administrative Tribunals Act, 1985,




the Tribunal has been empowered to entertain the service matters concerning a member of All India Service or a person appointed to any services of the Union or any civil post under the Union. It is provided under Sub Section (2) of Section 14 that the Central Government may by notification apply the provisions of the Act to local or other authorities including the Corporations or Societies.

6. It is admitted position that the Bharat Sanchar Nigam Limited, is a Company. It has not been notified under Sub Section (2) of Section 14 of the Act. Since the applicant is no more the employee of the Union and is not holding any civil post under the Union, this O.A. is not entertainable.

7. It may be that the applicant is raising the controversy of the date prior to his absorption in Bharat Sanchar Nigam Limited on 1.10.2000, but, that does not confer jurisdiction on this Tribunal to entertain the matter. On the date this O.A. was filed, the applicant was not in the service of the Union and was not holding civil post under the Union of India. Therefore, the matter cannot be entertained keeping in view the provisions of the Administrative Tribunals Act.

8. Consequently, it is held that this O.A. is not entertainable by this Tribunal. The same may be returned to the applicant for presentation to the proper Court after the applicant files certified copy of the O.A. and the documents.

9. No order as to costs.


(G.C. Srivastava)
Member (A)


(G.L. Gupta)
Vice Chairman

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