

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Date of Order : 16.04.2004

1. OA No.553/2002.

C. L. Meena S/o Shri J. L. Meena BY CAST Meena, aged about 49 years, resident of A-73, Saraswati Nagar, Opp. Sector 6, Malviya Nagar, Presently working as J.T.O. (S.M.N.) O/o Principal General Manager Telecom District, Jaipur-10.

... Applicant.

v e r s u s

1. Union of India, through the Secretary to the Government of India, Department of Telecom sanchar Bhawan, New Delhi.

2. Chief General Manager, Telecom, Rajasthan Circle, Jaipur-8.

3. Principal General Manager, Telecom, Jaipur District, Jaipur-10.

4. B.L. Gupta, JTO O/o GMTD, Ajmer O/o General Manager, Telecom District, Ajmer.

... Respondents.

Mr. P. N. Jatti counsel for the applicant.
Mr. B. N. Sandu counsel for respondent No.1 to 3.
None is present for respondent No.4.

2. OA No.194/2003.

Fateh Singh s/o Shri Devi Ram aged about 49 years, by cast Rajput R/o 3/7, Telecom Colony, Sastri Nagar, Jaipur-16, presently working as J.T.O., O/o Principal General Manager, Telecom District, Jaipur-10.

... Applicant.

v e r s u s

1. Union of India through Secretary to Government of India, Department of Telecom, Sanchar Bhawan, New Delhi.

2. Chief General Manager, Telecom, Rajasthan Circle, Jaipur-8.

3. The Principal General Manager, Telecom District, Jaipur-10.

4. B. K. Sharma, J.T.O. O/o Principal, General Manager, Telecom District, Jaipur-10.

... Respondents.

CORAM

Hon'ble Mr. J. K. Kaushik, Judicial Member.
Hon'ble Mr. M. K. Misra, Administrative Member.

: O R D E R (ORAL) :

The applicants named above, have filed their individual Original Applications under Section 19 of the Administrative Tribunals Act, 1985. All the applicants have been absorbed in B.S.N.L. and a common question of jurisdiction of the Tribunal is involved, thus they are being decided by this common order.

2. We have heard the learned counsel for the parties in the aforesaid cases and have earnestly considered the pleadings and records of cases.

3. The applicants in all those OAs have been absorbed in B.S.N.L. with effect from 01.10.2000. B.S.N.L. is a Government Company and no notification under Section 14(2) of the A.T. Act 1985 has so far been issued so as to vest this Tribunal with the jurisdiction to entertain grievances relating to the service matters of B.S.N.L. employees. Our attention was drawn to Para 20 and 22 of the judgement dated 24.3.2004 passed by Full Bench of Tribunal at Jaipur Bench in case of Shri B. N. Sharma vs. Union of India & Ors., OA No.401/2003, in which one of us (Mr. J.K. Kaushik, J.M.) was a party to judgement. It has been submitted that controversy stands settled and does not remain res-integra. The contents of aforesaid paras are reproduced as under :-

20. From the aforesaid, it is clear that even if BSNL is a government company, necessarily there has to be a notification issued under sub-section (2) to Section 14 before this Tribunal will have jurisdiction to deal with these matters. This is obvious from the plain reading of the provision of Section 14 of the Act. Sub-section (3) to Section 14 makes it clear that this Tribunal shall have jurisdiction, powers and authority in relation to recruitment and matters concerning

recruitment of all employees appointed to any service or post in connection with the affairs of the local or other authorities on and from the date specified in the notification issued under sub-section (2), which we have reproduced above. When notification under Sub-section (2) is issued, such local or other authorities would be amenable to the jurisdiction of this Tribunal. Admittedly till date, no such notification has been issued and in the face of the aforesaid, it must be held that this Tribunal does not have jurisdiction to entertain the applications pertaining to the applicants who are absorbed on the permanent strength of the BSNL.

22. Resultantly, we answer the controversy, as already referred to above, holding 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."

4. The mere perusal of aforesaid finding of Full Bench in B. H. sharma's case supra, leads us to an inescapable conclusion that the Tribunal does not have any jurisdiction in respect of the service matter of applicants in these OAs. Thus the same cannot be entertained on merits.

5. In the premises, we hold that the Original Applications No. 553/2002 & 194/2003 cannot be entertained by this Tribunal for want of jurisdiction and the same stand dismissed accordingly. It is scarcely necessary to mention that this order shall not preclude the applicants to approach the appropriate forum for redressal of their greivances, as may be available to them. No costs.

6. In case any specific written request is made on behalf of any applicant(s), the Registry shall return the original copy of paper book alongwith its annexures to them in accordance with rules.

(M.K. MISRA)
MEMBER (A)

(J.K. KAUSHIK)
MEMBER (J)