CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Date of Order : 15.04.2004

1. OA No.26/2000.

Hanuman Prasad Sharma S/o LateShri Ramesh Chandra Sharma, aged about 58 years, r/o Reengus Distt. Sikar at present working as Senior Section Supervisor, Office of T.D.M., Rewari (Haryana).

... Applicant.

v e r s u s

1. Union of India, through Secretary to Government of India, Ministry of Communications, Department of Telecommunications, New Delhi.

2. The Director General, Department of Telecommunication, Government of India, New Delhi.

3. Chief General Manager, Telecommunication, Rajasthan Circle, Jaipur.

4. Principal General Manager, Telecom District, Jaipur.

... Respondents.

Mr. Surendra Singh Proxy counsel for
Mr. M. S. Gupta, counsel for the applicant.
Mr. Vijay Singh, proxy counsel for
Mr. Bhanwar Bagri counsel for the respondents.

2. OA No.110/2000.

O. P. Agrawal S/o Shri Banwari Lal by cast Agrawal aged about 55 years, resident of A-436, Malviya Nagar, Jaipur-17, presently working in the office of the General Manager, Telecom Distt. Jaipur.

... Applicant.

v e r s u s

1. Union of India, through the Secretary to the Govt. of India, Department of Telecommunication Sanchar Bhawan, New Delhi.

2. Chief General Manager, Telecom, RajasthanCircle, Jaipur-8.

3. General Manager, Telecom Distt. Jaipur-10.

... Respondents.

Mr. P. N. Jatti counsel for the applicant.
Mr. N.C. Goyal counsel for the respondent NO.1to3.
Mr. Surendra Singh Proxy counsel for
Mr. M. S. Gupta counsel for respondent NO.4.

3. OA NO.237/2000.

Sampat Ram Laddha, son of Shri Ram Pal Laddha, aged 36 years, resident of Quarter NO.17, Telephone Colony, Bapu Nagar, Bhilwara, Senior Telephone Operating Assistant (P), Bhilwara.

... Applicant.

v e r s u s

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

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

3. The Director (Examination), Department of Telecom, Dak Bhawan, New Delhi.

4. Assistant Director (Recruitment), Department of Telecom, Rajasthan Circle, Jaipur.

.. Respondents.

Mr. P. N. Jatti counsel for the applicant.
Mr. Vijay Singh proxy counsel for
Mr. Bhanwar Bagri counsel for the respondents.

4. OA No.582/2001.

Noor Ahamad S/o Shri Noor Mohamad by cast Mohomadan aged about 55 years, resident of H. NO.2, behind Akash wani Colony, Kota, presently working as S.D.O.T. Bonli District, Sawaimadhopur.

... Applicant.

v e r s u s

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

2. Chairman Bharat Sanchar Nigam Ltd. Sanchar Bhawan, New Delhi.

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

4. Telecom District Manager, Sawaimadhopur.

5. G.S. Gupta, S.D.E. Hindoli, C/o D.E.T. Boondi (Raj.)

... Respondents.

Mr. P. N. Jatti counsel for the applicant.
Mr. B. N. Sandu counsel for respondent NO. 1 to 4.
None for respondent No.5.

5. OA No.275/2002.

Kanhaiya Lal Baghela, S/o Shri Krishna Lal Baghela, aged 43 years, resident of Bajrajpura, Bhilwara, Senior Telephone Operating Assistant (P), G.M.T.D. Bhilwara.

... Applicant.

v e r s u s

1. Union of India through the Secretary to the Government of India, Department of Telecom, Ministry of Communiation, New Delhi.

2. Chief General Manager, B.S.N.L. Rajasthan Circle, Jaipur.

3. The Director (ExaminatioN), B.S.N.L. Dak Bhawan, New Delhi.

4. Assistant Director (Recruitment), B.S.N.L., Rajasthan Circle, Jaipur.

... Respondents.

Mr. Suneet Bhatty proxy counsl for
Mr. S. K. Jain counsel for the applicant.
Mr. Tej Prakash Sharma counsel for respondents.

6. OA No.418/2002.

Mool Chand S/o Shri Bhorri Lal by cast verma aged about 61 yeas, resident of 7/141, Tikkiwalon Ka Mohalla Sanganer, Jaipur, presently retired from the office of the 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.

... Respondents.

Mr. P. N. Jatti counsel for the applicant.
Mr. Tej Prakash Sharma counsel for the respondents.

7. OA No. 425/2002.

O. P. Sharma s/o Shri Atma Ram Ji Sharma, at present working as Senior Telephone Supervisor (Staff No.ST-1/3326) Office of Sub-Divisional Officer, Telephones, Phulera, R/o Aggi Wala Ki Gali Sambharka Dist. Jaipur.

... Applicant.

v e r s u s

1. Union of India through Secretary to Government of India, Ministry of Communicatio, Department of Telecommunications, New Delhi.

2. Chairman cum Managing Director, Bharat Sanchar Nigam Ltd., 20, Ashoka Road, New Delhi.

3. The Principal General Manager, Telecom District, Jaipur (Bharat Sanchar Nigam Ltd.), Jaipur.

4. The Divisional Engineer, Phones (Admn.) Office of Principal GeneralManager, Telecom. District Jaipur, (Bharat Sanchar Nigam Ltd,) Jaipur.

... Respondents.

Mr. Surendra Singh proxy counsel for
Mr. M. S. Gupta counsel for the applicant.
Mr. Tej Prakash Sharma counsel for the respondents.

8. OA No.426/2002.

S. N. Sharma S/o Shri Bal Mukund Ji Sharma since retired as Senior Telephone Supervisor, (Staff No.ST-1/0816) Office of Sub-Divisional Engineer, FRS SG (Ex.) JP r/oVillage Lalchandpura P.O. Niwaru via Jhotwara Distt. Jaipur.

... Applicant.

v e r s u s

1. Union of India through Secretary to Government of India, Ministry of Communication, Department of Telecommunications, New Delhi.

2. Chairman-cum-Managing Director, Bharat Sanchar Nigam Ltd., 20, Ashoka Road, New Delhi.

3. The Principal General Manager, Telecom District, Jaipur (Bhaat Sanchar Nigam Ltd.) Jaipur.

4. Divisional Engineer Phones (Admn.) O/o The Principal General Manager, Telecom, District (Bharat Sanchar Nigam Ltd.) Jaipur.

.... Respondents.

Mr. Surendra Singh proxy counsel for
Mr. Man Singh Gupta counsel for applicant.
Mr. Tej Prakash Sharma counsel for respondents.

9. OA No.427/2002.
Gokul Chand Gupta S/o Late Shri Makhan LalGupta, R/o Plot No.52, Gaupta Garden, Govind Nagar West-II, Amer Road, Jaipur Since retired as Sr. Section Supervisor (O) O/o P.G.T.M.D., Jaipur.

... Applicant.

v e r s u s

1. Union of India through Secretary to Government of India, Ministry of Communicatio, Department of Telecommunications, New Delhi.

2. Chairman-cum-Managing Director, Bharat Sanchar Nigam Ltd., 20, Ashoka Road, New Delhi.

3. The Principal General Manager, Telecom District, Jaipur(Bharat Sanchar Nigam Ltd.) Jaipur.

... Respondents.

Mr. Surendra Singh proxy counsel for
Mr. M. S. Gupta counsel for applicant.
Mr. Tej Prakash Sharma enters appearance on behalf of Mr. B. N. Sandu counsel for respondents.

10. OA No.188/2003.
R. C. Verma S/o Kanamal Verma aged about 55 years, resident of B-57, Krishi Nagar, Taron Ki Kut, Tonk Road, Jaipur and working as Divisional Engineer (Transmission), Office of Telecom District Manager, Tonk (Raj.).

... Applicant.

v e r s u s

1. Union of India through the Secretary to the Govt. of India, Department of Telecommunications, Ministry ofCommunications, New Delhi. 110 001.

2. Chief General Manager, TElecommunications, RajasthanCircle, Jaipur 302008.

3. V. K. Seth Asstt. Director (Tech.) O/o the Secretary, Department of Telecommunications, Sanchar Bhawan, New Delhi. 110 001.

... Respondents.

Mr. P. N. Jatti counsel for the applicant.
Mr. Neeraj Batra counsel for the respondents.

11. OA No.201/2003.

1. Girdhari Lal Chouhan S/o Shri BhuraDas, aged about 47 years, presently posted as Sr.TOA (P) at SDE Jhotwara, O/o PGMTD, Jaipur.

2. Kanhaiya Lal S/o Shri Ram Dev Aged about 47 years, presently posted as Sr. TOA (P), AOTR (C) O.o PGMTD Jaipur.

3. Teemaram S/o Shri Hindu Ram,aged about 47 years, presently posted as Sr. TOA (P) O/o GMTD,Udaipur.

4. Shri B. L.Raigar, S/o Udai Lal, aged about 36 years, presently posted as Sr. TOA (P), O/o GMTD, Jaipur.

5. Ram Naayan Khatik S/o Shri Chhagan Lal, aged about 47 years presently posted as Sr. TOA (P) O/o Deputy G. M. (T.P.), Jaipur.

... Applicants.

v e r s u s

1. The Union of India through its Secretary Department of Telecommunication, Govt. of India, Sanchar Bhawan, Sansad Marg, New Delhi.

2. Bharat Sanchar Nigam Limited through its Chairman-cum-Managing Director, Jaipur.

3. Chief General Manager, Rajasthan Telecommunication Circle, Jaipur.

.. Respondents.

Mr. Vijay Singh counsel for the applicants.
Mr. Neeraj Batra counsel for the respondents.

12. OA NO.263/2003.

Hari Ram Gupta s/o Shri Nanak Ram Gupta, aged about 39 years, R/o E-8, Madhuban Colony, Tonk Road, Jaipur.

... Applicant.

v e r s u s

1. The Union of India through its SecretaryDepartment ofTelecommunication, Govt. of India, Sanchar Bhaan, Sansad Marg, New Delhi.

2. Bharat Sanchar NIgam Limited through its Chairman-cum-Managing Director, Jaipur.

3. Chief General Manager, Rajasthan Telecommunication Circle, Jaipur.

... Respondents.

Mr. Vijay Singh counsel for the applicant.
Mr. Neeraj Batra counsel for the respondents.

13.OA No. 288/2003.

Gokul Chand Gupta, S/o Late Sh. Makhan LalGupta, R/o Plot NO.52, Gupta Garden, Govind Nagar, West-II, Amer Road, JaipurSince, retired as Sr. SEction Supervisor (O) O/O P.G.T.M.D., Jaipur.

... Applicant.

v e r s u s

1. Union of India through Secrtary to Government of India, Ministry of Communications, Department of Telecommunications, New Delhi.

2. Chairman-cum-Managing Director, Bharat Sanchar Nigam Ltd.,20, Ashoka Road, New Delhi.

3. The Principal General Manager, Telecomm. District, Jaipur (Bharat Sanchar Nigam Ltd.), Jaipur.

... Respondents.

Mr. Surendra Singh counsel for the applicant.

14. OA No. 47/2004.

R. D. Maheshwari aged 60 years, S/o Late Sh. Gopinath Ji Maheshwari R/o 41, Indra Colony, Banipark Jaipur 302001.

... Applicant.

v e r s u s

1. Union of India through Secretary to the Government of India, Ministry of Telecommunication, Department of Telecommunication, New Delhi.

2. Chairman cum Managing Director, B.S.N.L. New Delhi.

3. Chief General manager, Telecom (Raj) Circle, Sardar Patel Marg, Jaipur.

4. P. General manager, Telecom Deptt., M.I. Road, Jaipur.

5. Divisional Engineer Circle Telecom Store Depot, Baria House, Jaiphur-6.

... Respondents.

Mr. Surendra Singh proxy counsel for
Mr. M. S. Gupta counsel for the 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.401/2002, in which one of us (Mr. J.K. Kaushik,J.M.) was a party to judgement. It has been submitted that controvery 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, necesarily 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, o 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.
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> 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. N. 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 held that the Original Applications No. 26/2000, 110/2000, 237/2000, 582/2001, 275/2002, 417/2002, 425/2002, 426/2002, 427/2002, 188/2003, 201/2003, 263/2003, 288/2003 & 47/2004 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)