

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

JAIPUR

Dated of order: 07.08.2003

OA No.363/2003

Pawan Kumar s/o Shri Babu Lal r/o Gulal Kund, Papoli  
Mohalla, Valmiki Basti, Bharatpur.

.. Applicant

Versus

1. Union of India through Secretary to the Government of India, Bharat Sanchar Nigam Limited, Sanchar Bhawan, 20, Ashok Road, New Delhi.
2. Chief General Manager Telecom, Telecom Circle, BSNL, Sardar Patel Marg, 'C' Scheme, Jaipur.
3. Telecom District Engineer, Bharat Sanchar Nigam Limited, Bharatpur.
4. Sr. SDE Phones, Bharatpur.

.. Respondents

Mr. Hemant Gupta, counsel for the applicant.

ORAM:

HON'BLE MR. M.L.CHAUHAN, MEMBER (JUDICIAL)

HON'BLE MR. A.I.BHANDARI, MEMBER (ADMINISTRATIVE)

O R D E R (ORAL)

The only question which requires our consideration in this case is as to whether this Tribunal has jurisdiction, power and authority to decide the dispute with regard to recruitment or/and appointment of a person pertaining to Bharat Sanchar Nigam Limited (hereinafter referred to as BSNL).

2. The relevant facts, which are necessary for disposal of this case, are that the applicant was initially appointed as part-time Safaiwala on 3.8.1990 in

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the office of Telecom District Engineer, Bharatpur on consolidated wages of Rs. 1025/- per month. Thereafter, services of the applicant were extended from time to time. The grievance of the applicant is that though some persons have been regularised by the respondents pursuant to the scheme formulated by the Department of Telecom Services, New Delhi vide order dated 29.9.2000 (Ann.A7), but his services have not been regularised. Thus, he has sought directions to the respondents to declare the applicant as full-time Safaiwala as per letter No.269-13/99-STN-II dated 16.9.1999 and also grant temporary status to the applicant as per circular dated 29.9.2000 and further regularise his services in accordance with these circulars.

2.1 From the facts as stated above, it is evident that the applicant is seeking grant of temporary status as well as regularisation of his services by the Bharat Sanchar Nigam Limited, which is a limited company incorporated under the Companies Act, 1956.

3. We have heard the learned counsel for the applicant and perused the material placed on record.

3.1 The learned counsel for the applicant could not satisfy this Tribunal regarding jurisdiction, power and authority of this Tribunal to entertain this application. It is not disputed that the BSNL is a limited company incorporated under the Companies Act, 1956 having distinct jurisdiction which has come to being by an agreement between the Union of India and the BSNL and the applicant is seeking relief of regularisation from the BSNL. The Administrative Tribunal was created under the Administrative Tribunals Act, 1985 in view of the powers

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conferred under Article 323-A of the Constitution of India for adjudication of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local authority within the territory of India or under the control of Govt. of India or of any corporation or society owned or controlled by the Govt. of India, as can be seen from the preamble of the Act. Section 19 of the Administrative Tribunals Act mandates that subject to other provisions of this Act, a person aggrieved by any order pertaining to any matter within the jurisdiction of a Tribunal can make an application to the Tribunal for redressal of his grievance. Section 14 of the Act confers upon the Central Administrative Tribunal jurisdiction, powers and authority in respect of the recruitment and matters concerning recruitment and also service matters pertaining to recruitment and condition of service of a person appointed to public service and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Govt. of India or of any corporation or society owned or controlled by the Government and all matters connected with or incidental thereto. In the instant case, we are concerned with sub-section 2 and 3 of Section 14 of the Act which runs as follows:-

".....

(2) The Central Government may, by notification, apply with effect from such date as may be specified in the notification the provisions of sub-section (3) to local or other authorities

within the territory of India or under the control of the Government of India and to corporations (or societies) owned or controlled by Government, not being a local or other authority or corporation (or society) controlled or owned by a State Government.

Provided that if the Central Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by this Act, different dates may be so specified under this sub-section in respect of different classes of, or different categories under any class of, local or other authorities or corporations (or societies).

(3) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall also exercise, on and from the date with effect from which the provisions of this sub-section apply to any local or other authority or corporation (or society), all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court in relation to-

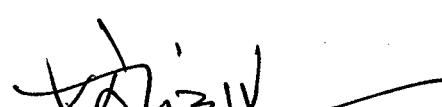
(a) recruitment, and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation (or society); and

(b) all service matters concerning a person (other than a person referred to in clause (a) or clause (b) of sub-section (1) appointed to any service or post in connection with the affairs of such local or other authority or corporation (or

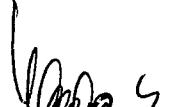
society) and pertaining to the service of such person in connection with such affairs."

3.2 Admittedly, no notification under Section 14(2) of the Administrative Tribunals Act, 1985 has been issued by the Central Government thereby specifying the date on and from which the provisions of sub-section (3) of Section 14 of the Act shall apply to the BSNL, which is admittedly a company incorporated under the Companies Act, 1956. Thus, this Tribunal has no jurisdiction to entertain matters relating to recruitment and appointment to any service and post in connection with the affairs of the BSNL. As can be seen from the prayer clause, the grievance of the applicant is regarding grant of temporary status and regularisation of his services as Safaiwala by the BSNL authorities. Thus, it is a matter concerning appointment of the applicant to the post of Safaiwala in the BSNL and in the absence of notification under sub-section (2) of Section 14 of the AT Act thereby specifying the date on and from which provision of sub-section (3) of Section 14 of the Act shall apply to the BSNL, this Tribunal has no jurisdiction, power or authority to entertain and adjudicate the dispute with regard to this matter. Therefore, grievance of the applicant is not within the jurisdiction of this Tribunal and as such the present application is not maintainable.

4. In view of what has been stated above, the present OA is dismissed as not maintainable at the admission stage itself.

  
(A.E. BHANDARI)

Member (Administrative)

  
(M.L. CHAUHAN)

Member (Judicial)