

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 15.4.2004

OA 387/2003 with MA 331/2003

Manoj Kumar s/o Late Shri Hanuman Lal r/o Village & Post Dhod, District Sikar, Rajasthan.

... Applicant

Versus

1. Union of India through Secretary, Ministry of Telecommunications, Department of Telecom, Sanchar Bhawan, New Delhi.
2. Chief General Manager Telecommunications, Rajasthan Circle, Sardar Patel Marg, C-Scheme, Jaipur.

... Respondents

CORAM:

HON'BLE MR.A.K.BHANDARI, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.C.B.Sharma, proxy counsel
for Mr.Surendra Singh

For the Respondents

... Mr.S.R.Samota, proxy counsel
for Mr.T.P.Sharma

ORDER (ORAL)

Further deliberations in this OA has been adjourned on the last few occasions pending decision on question of jurisdiction of the Central Administrative Tribunal over service matters pertaining to category 'C' & 'D' employee of Telecommunication Department of the Government of India, who have been absorbed in BSNL. On account of contrary decisions of different Benches of the CAT and recent decision of Rajasthan High Court in CWP No.6186/2000, which were causing confusion as to whether CAT Jaipur really enjoys jurisdiction over service matters of category 'C' & 'D' employees of BSNL, a Full Bench comprising of Hon'ble Mr.Justice V.S.Aggarwal, Chairman, Hon'ble Mr.J.K.Kaushik, Member (J) & Hon'ble Mr.A.K.Bhandari, Member (A), (myself), was formed in OAs 401 to 408/2002 to resolve the controversy, which in its decision dated 24.3.2004 observed as follows :

21. Reverting back to the decision of the Rajasthan High Court in CWP No.6186/2002 with respect, it must be stated that it was sub silentio pertaining to the scope of sub-section (2) and (3) of Section 14. The points referred to above had not been perceived

while the matter was dismissed in limine. In this backdrop, it cannot be taken to be in the peculiar facts, as a binding precedent.

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."

In view of the above, it is found that the CAT would not have any jurisdiction over service matters pertaining to category 'C' & 'D' employees of BSNL who have been permanently absorbed in the BSNL, till such time notification under Section 14(2) and (3) of Administrative Tribunals Act, 1985 is issued.

2. The prayer in the instant case is regarding compassionate appointment to the dependent of a deceased government servant. As per rules, such employment is permissible only on category 'C' & 'D' posts. In light of the above decision of Full Bench, it is clear that in absence of a notification under sub-section (2) & (3) of Section-14 of the Administrative Tribunals Act, 1985, extending the jurisdiction over service matters of employees of the BSNL, this Tribunal would not have any jurisdiction to adjudicate this OA. Therefore, the OA and the MA are decided as dismissed due to lack of jurisdiction. No order as to costs.


(A.K.BHANDARI)

MEMBER (A)