

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 813 of 2001

Jabalpur, this the 7th day of May, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Shri Anil Mahadeo Patwardhan,
aged 53 years, S/o. late M.S.
Patwardhan, R/o. Plot No. 764,
"Onkar", Sheh Nagar, Jabalpur -
482 002.

... Applicant

(By Advocate - Smt. S. Menon with Shri S.P. Rai)

V e r s u s

1. Union of India, Through : Department
of Telecommunications, Door Sanchar
Bhawan, New Delhi.

2. Chief General Manager, Bharat
Sanchar Nigam Limited, T&D Circle,
Jabalpur.

3. General Manager (North),
T&D Circle, Jabalpur.

... Respondents

(By Advocate - Shri S.A. Dharmadhikari)

O R D E R

By Madan Mohan, Judicial Member -

By filing this Original Application the applicant has
claimed the following main reliefs :

"(i) to quash the memos dated 7.6.2001 (Annexure A-1)
20.7.2001 (Annexure A-5) and 6.11.2001 (Annexure A-7)
passed by the respondents and be further pleased to
hold the acts as malafide."

2. The brief facts of the case are that the applicant is
presently functioning as Sub Divisional Engineer (TR),
Jabalpur. The applicant was never communicated about
unsatisfactory work or adverse remarks in his confidential
report even for the preceding year 2.10.99 to 31.3.2000. The
applicant was communicated by Shri Rajeev Sadana, Dy. General
Manager (A), an authority subordinate to the communicating
authority, certain adverse remarks. The applicant submitted

his detailed representation to the authority concerned. The respondent No. 3 vide his order/memo dated 20.7.2001 rejected the representation. Aggrieved thereof, the applicant submitted a revision petition before the respondent No. 2 dated 13.8.2001, which was also rejected vide order dated 6.11.01. From the documents placed before the Tribunal, it is ex facie clear that the adverse communication has been made without any basis and for this reason alone, it is liable to be expunged. This has been deliberately done due to the malafide intention of the authorities concerned and is wholly capricious and arbitrary. Aggrieved by this the applicant has filed this OA claiming the aforesaid reliefs.

3. Heard the learned counsel for the parties and perused the records carefully.

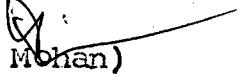
4. The learned counsel for the respondents argued that certain adverse remarks were communicated to the applicant vide memo dated 7.6.2001 (Annexure A-1(a)) issued from BSNL. Against it the applicant submitted representation which was rejected vide order dated 20th July, 2001 (Annexure A-5) which was also issued from the General Manager (N), BSNL. He further argued that the order dated 6th November, 2001 is also issued from the office of Chief General Manager, BSNL. All these three letters issued to the applicant were issued from the office of BSNL. This OA against these letters is not maintainable as BSNL is not inducted within the purview of jurisdiction of Central Administrative Tribunal. The learned counsel for the respondents has relied on the judgment of the Calcutta Bench of this Tribunal in the case of Prabir Kanti Choudhury Vs. Union of India & Ors., 2001(2) ATJ 444.



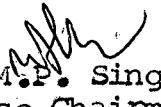
5. In reply the learned counsel for the applicant has argued that the applicant is the employee of Department of Telecommunication and not of Bharat Sanchar Nigam Limited and hence this Tribunal has jurisdiction to decide this OA.

6. We have given careful consideration to the rival contentions made on behalf of the parties and we find that all the three letters/orders at Annexure A-1(a) dated 7.6.01, Annexure A-5 dated 20th July, 2001 and Annexure A-7 dated 6th November, 2001, which are under challenge in this OA are issued from the office of the Bharat Sanchar Nigam Limited. The applicant has sought relief to quash these letters/orders while according to the judgment relied by the respondents in the case of Prabir Kanti Choudhury (supra) the Tribunal held that "Administrative Tribunals Act, 1985 - Section 14 - Bharat Sanchar Nigam Ltd. - Whether Tribunal can direct the BSNL to comply its order - Held no as no notification under Section 14 of the Act issued by the Govt. - Hence application filed before the Tribunal against the inter zone transfer order, rejected". Hence we find that the impugned order before the Tribunal is passed by the Bharat Sanchar Nigam Limited, which is a corporate body, registered under the Companies Act, 1956. It is not being notified under Section 14 of the Administrative Tribunal Act. Hence the Tribunal has no jurisdiction to entertain this application.

7. Thus we are of the considered opinion that this Tribunal has no jurisdiction to quash the orders passed by the Bharat Sanchar Nigam Limited. In view of the judgment cited by the learned counsel for the respondents, the Original Application is dismissed for want of jurisdiction. No costs.


(Madan Mohan)
Judicial Member

"SA"


(M.P. Singh)
Vice Chairman