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THE CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR

ORDER SHEET

APPLICATION NO.: _____

Applicant (s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDER OF THE TRIBUNAL

OA No. 351/2005.

29.05.2007.

None is present for the parties.

In view of the Rule 15 & 16 of the CAT (Procedure) Rules, 1987, we proceed to decide the OA and the same has been disposed of by a separate order.

(TARSEM LAL)
ADMINISTRATIVE MEMBER

tar
(KULDIP SINGH)
VICE CHAIRMAN

P.C./

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.351/2005.

Jaipur, this the 29th day of May, 2007.

CORAM : Hon'ble Mr. Kuldip Singh, Vice Chairman.
Hon'ble Mr. Tarsem Lal, Administrative Member.

Mahavir Nagar
S/o Shri Kanhaiyalal Nagar,
Aged about 38 years,
R/o Village Sogaria,
District Kota.

... Applicant.
By Advocate : None present.

Vs.

1. Union of India through
Secretary
Ministry of Tele Communication,
Department of Telecom,
New Delhi.
2. Bharat Sanchar Nigam Limited,
Sardar Patel Marg,
Rajasthan Telecom Circle,
Jaipur.
3. General Manager,
Telecom, Bharat Sanchar Nigam Limited,
Kota.

... Respondents.

By Advocate : None present.

: O R D E R (ORAL) :

None is present for the parties.

2. We proceed to decide the OA in terms of Rule 15 & 16 of CAT (procedure) Rules 1987.
3. The applicant has filed this OA thereby seeking for the following reliefs :-

[Signature]

"(a) By an appropriate order or direction the respondents may be directed to grant temporary status to the applicant since the date of just completion of 240 days from the date of his appointment July 1985. The respondents may be also directed to fix the salary of the applicant accordingly and they may be directed to grant the benefit of seniority and other consequential benefits to the applicant.

(b) Any other order or relief which this Hon'ble Tribunal may deem fit and proper be passed in his favour, with costs."

4. The case of the applicant is that he was appointed in July 1985. Thereafter in the year 1986 he was terminated from service and he raised an Industrial Dispute before Assistant Labour Commissioner (Central), Kota where the matter was adjudicated and the applicant was reinstated in service on 30.10.1990. The applicant claims that he is entitled to count his whole service since the date of his initial appointment and he should be declared as a temporary status employee from the date he has completed 240 days from the date of his initial appointment.

5. The respondents in their reply have taken a preliminary objection by stating that the applicant had opted for the services of Bharat Sanchar Nigam Limited and has been absorbed in BSNL w.e.f. 1.10.2000. Hence, the case is out of purview ^{of the} and jurisdiction of the Tribunal.

[Signature]

Rebuttal in Annexure

6. No rejoinder has been filed to ~~this~~ effect. We have no reasons to disbelieve the averments made by the respondents in the OA that the applicant is an employee of BSNL over which this Tribunal has no jurisdiction. Accordingly, the OA is dismissed on the ground of ~~want of~~ jurisdiction.

Tarsem Lal
(TARSEM LAL)
ADMINISTRATIVE MEMBER

Kuldeep Singh
(KULDIP SINGH)
VICE CHAIRMAN

P.C./