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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.838/2003

New Delhi, this the 15th day of December, 2003

Hon'ble Shri Kuldip Singh, Member(J)
Hon'ble Shri S.K. Naik, Member(A)

R.S. Gupta
5/598, Amar Laxmi Gali No.12
Mazilis Park
Azadpur Subzi Mandi, Delhi .. Applicant

(Shri S.K. Sinha, proxy for Shri Rajesh, Advocate)

versus

1. Secretary
Telecom, Sanchar Bhavan, New Delhi
2. Bharat Sanchar Nigam Ltd.
Sanchar Bhavan, New Delhi
3. Dy. General Manager
Telecom Dist. Gwalior
4. Divisional Engineer(Admn.)
Telecom, Gwalior
5. Divisional Engineer Phones
(Rural) Gwalior
6. Accounts Officer, Telecom
District Engineer, Gwalior .. Respondents

(Shri T.C. Singal, Advocate)

ORDER(oral)

Shri S.K. Naik

Applicant is before us challenging the order dated 30.4.2001 passed by the disciplinary authority vide which he has been removed from service and order dated 3.4.2002 passed by the appellate authority rejecting the appeal of the applicant against the order of removal. Both these orders have been passed by Bharat Sanchar Nigam Limited (BSNL, for short).

2. In the reply filed on behalf of the respondents contesting the case, a preliminary objection has been raised that the OA is not maintainable. The counsel for the respondents in support of this averment has argued that even though the applicant may have been an employee

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of the erstwhile Department of Telecommunication (DoT), his status has undergone a change after the coming into existence of BSNL, which is now a body corporate with effect from 1.10.2003. All the Group C and D employees of DoT have since been absorbed in BSNL and it cannot therefore be claimed that the applicant continues to be an employee of the Central Government. When no notification has been issued under sub-section 2 of Section 14 of Administrative Tribunals Act, 1985 bringing in BSNL under the jurisdiction of the Tribunal, it has to be held that the matter is not entertainable by this Tribunal. To fortify ~~of~~ his argument, the learned counsel has referred to the judgment of the Allahabad Bench of the Tribunal in OA 749/1999 dated 29.5.2003 vide which the application filed by a similarly placed person was held to be not maintainable. Further, the Chandigarh Bench of this Tribunal while adjudicating upon the same issue in a somewhat more detailed manner in OA No.1116-CH-2002 and other connected cases vide its order dated 5.5.2003 has held that persons absorbed in BSNL are in fact employees of BSNL and in the absence of any notification under Section 14(2) of the AT Act, this Tribunal has no jurisdiction, power or authority to entertain and adjudicate their disputes with regard to their service matters even though it pertains to the period prior to their absorption. This category of employees undoubtedly falls beyond the ambit of the jurisdiction of this Tribunal.

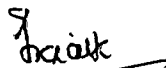
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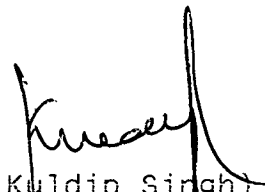
3. In yet another judgment dated 28.8.2003 in OA No.546/2001 the Jaipur Bench of the Tribunal has again held that BSNL employees are not covered under the jurisdiction of the Central Administrative Tribunal.

4. The counsel for the applicant has not been able to rebut the arguments advanced by the counsel for the respondents.

5. In view of the number of judgments cited by the counsel for the respondents, which are in total conformity with each other holding that unless notification under section 14(2) of the AT Act applying the provisions of the said Act is made, this Tribunal will have no jurisdiction, power or authority towards the service disputes of the employees of BSNL.

6. With the result, OA fails on the preliminary objection itself and the same is dismissed, with no order as to costs. The applicant, however, may approach the appropriate forum as per law.


(S.K. Naik)
Member(A)


(Kuldip Singh)
Member(J)

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