

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No. 188/2003  
MA 1046/2003

New Delhi this the 31st day of July, 2003

**Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)**  
**Hon'ble Shri R.K. Upadhyaya, Member (A)**

1. Smt. Pushpa Kumari Aggarwal,  
W/O Shri B.L. Aggarwal,  
R/O A-41, Brijvihar, Pitampura,  
Delhi.
2. Shri Moji Ram Jain,  
S/O Shri Mool Chand Jain,  
R/O A-42/A, Ashok Vihar,  
Phase-II, Delhi-52

..Applicants

(By Advocate Shri Rajesh Aggarwal )

VERSUS

1. The Union of India through  
Secretary,  
Department of Telecommunication,  
Sanchar Bhawan, New Delhi
2. The Chief General Manager,  
N.T.R. Kidwai Bhawan,  
New Delhi.
3. The General Manager (Telegraph Services)  
N.T.R. Eastern Court, New Delhi.
4. Pravesh Kumar,  
through NTR, Kidwai Bhawan,  
New Delhi.
5. Madan Puri through NTR  
Kidwai Bhawan, New Delhi.
6. Shri Hari Chand Kapoor,  
through NTR, Kidwai Bhawan,  
New Delhi.

.. Respondents

(By Advocate Shri M.M. Sudan,  
learned senior counsel )

O R D E R (ORAL)

**(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J))**

Heard learned counsel for both the parties.

2. In this case, a preliminary objection has been

*Y/2*

taken by the respondents that the Tribunal does not have jurisdiction in the matter as according to them, the applicants who were Group 'C' employees have been absorbed with B.S.N.L (Bharat Sanchar Nigam Limited). They have relied on the orders dated 22.1.2002 and 18.2.2002 (Annexure R-2 and R-3) to the reply affidavit filed on 2.7.2003.

3. We have heard Shri Rajesh Aggarwal, learned counsel for the applicants who has relied on certain judgements, list placed on record, including certain observations of the Mumbai Bench of the Tribunal in B.K.Katkar Vs. UOI & Ors (2003 (1) AlSLJ CAT(Mumbai Bench) 345. In this regard, we have also seen the judgement of the Hon'ble Mumbai High Court in BSNL Vs. A.R. Patil and Ors (2002(3)ATJ page 1). The Hon'ble High Court has held that the Tribunal has no jurisdiction to entertain the application filed by the employees of BSNL regarding his grievances <sup>or</sup> service matters.

4. In the facts and circumstances of the case, Shri Rajesh Aggarwal, learned counsel has fairly submitted that he would not like to press this OA before the Tribunal but seeks liberty to withdraw the same to enable him to file <sup>the</sup> petition in the appropriate forum. We have also heard Shri M.M.Sudan, learned senior counsel for the respondents.

5. In the above facts and circumstances of the case and keeping in view the observations of the aboresaid

PV

judgements and the provisions of Section 14(1) of the Administrative Tribunals Act, 1985, <sup>Y.S.</sup> and in the absence of the Notification issued by the competent authority under clause 2 of Section 14, this OA is disposed of on the ground that the Tribunal does not have jurisdiction in the matter. In the circumstances, Registry is directed to return copies of all documents, keeping one set for record purposes, to the learned counsel for the applicants to proceed in the matter, as advised, in accordance with law.

R.K.U.

( R.K.Upadhyaya )  
Member (A)

Lakshmi Swaminathan

( Smt.Lakshmi Swaminathan )  
Vice Chairman (J)

sk