

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11211 of 2015

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1. The Bharat Sanchar Nigam Limited , through the chief Managing Director, Jan Path, New Delhi.
 2. The Assistant General Manager(Pers-III), office of the Chief Managing Director, Jan Path, New Path, New Delhi.
 3. The Chief General Manager Telecom , BSNL ,Jharkhand Circle, Ranchi,
 4. The Telecom District Manager, BSNL, Dumka (Jharkhand),
 5. The Divisional Engineer(CFA), O/o Telecom District Manager, BSNL, Dumka (Jharkhand)
 6. The Sr. GMTD, B.S.N.L, Dhanbad, BA, Dhanbad.

.... Petitioner/s

Versus

1. Shyam Bihari , HRMS No. 200206484 S/o Sri Mahabir Prasad Yadav resident of Village -Tiebaris, P.s Haveli Kharagpur, District Munger.(Bihar).
2. Kamlesh Kant Yadav, HRMS No. 200206480, S/o Sri R.P. Yadav resident of Village/Post- Pasopur, Dist Darbhanga(Bihar)
3. Indra Deo Prasad, HRMS No. 200206483 S/o Sri Bengaali Prasad Yadav resident of Village- Dhaba, P.s Khesar, Dist Banka(Bihar)
4. Radhey Shyam Yadav, HRMS No. 200206491 S/o late Sukhdeo Yadav resident of Village- Pokharia P.s Haveli, Kharagpur, dist Munger (Bihar)
5. Raj Kumar Yadav, HRMS No. 200206481 S/o Sri Rameshwar Prasad yadav resident of Village/Post -Harpur, District Munger(Bihar)

.... Respondent/s

with

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Civil Writ Jurisdiction Case No. 12004 of 2015

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1. The Bharat Sanchar Nigam Limited, through the C.M.D. B.S.N.L. Bharat Sanchar Bhawan, Janpath, New Delhi- 1
2. The C.G.M.T., Jharkhand Telecom Circle, ARTTC Campus, H B Road, Ranchi
3. The Sr. GMTD, B.S.N.L., Dhanbad, BA, Dhanbad
4. The Telecom District Manager, BSNL, Dumka
5. The Divisional Engineer (CFA), O/o DTM, BSNL, Dumka

.... Petitioner/s

Versus

1. Abhay Shankar Jha S/o Sri Sitaram Jha, resident of village & P.O. Pindaruch, P.S.- Kamtaul, District- Darbhanga
2. Bhola Choudhary, S/o Late Arjun Choudhary, resident of village- Darhar, P.S.- Laheriasarai, District- Darbhanga
3. Lal Babu Choudhary, S/o Sri Bimal Choudhary, resident of village & P.O.- Pindaruch, P.S.- Kamtaul, District- Darbhanga
4. Mohan Choudhary S/o Late Baleshwar Choudhary, resident of Village- Chahuta, P.S.- Bisti, District- Madhubani
5. Arun Kumar, S/o Late Ganak Rai, resident of village- Gangpur Asthgar, P.S.- Athamalgola, District- Patna

6. Dilip Kumar, S/o Late Kasim Sah, resident of village- Dilawarpur, P.S.- Bihta, District- Patna

.... Respondent/s

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Appearance :

(In CWJC No. 11211 of 2015)

For the Petitioner/s : Mr. Chandra Bhushan Prasad

For the Respondent/s : Mr. Mr. M.P.Dixit & Mr. Sanjay Kr.Choudhary

(In CWJC No. 12004 of 2015)

For the Petitioner/s : Mr. Chandra Bhushan Prasad

For the Respondent/s : Mr. J.K.Karn and Mr. H. K. Karn

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 27-08-2015

Heard learned counsel for the writ petitioners and learned counsel for the private respondents.

2. The Interlocutory applications have been filed for interim order for stay of the order dated 9-6-2015 passed by the Central Administrative Tribunal, Patna Bench.

3. Having heard learned counsel for the petitioners and learned counsel for the respondents, in our view, these writ petitions can be disposed of at this stage itself, instead of deciding the same in piecemeal manner. With consent of parties, we have heard them for final disposal of the writ petitions at this stage itself.

4. The petitioners are aggrieved by the order of the Tribunal in entertaining the original applications filed by the contesting respondents. The objection is two-fold. Firstly, that the actions that



have been challenged relate to the order that was passed at Ranchi or at Dumka, and as such outside beyond jurisdiction of this Tribunal. In other words, the Tribunal lacks territorial jurisdiction in the matter. Secondly, it was submitted that in case of temporary employees, the Tribunal ought not to have entertained the original application. Before proceeding further, we would like to note that the Tribunal is yet to adjudicate upon the grievance. The order dated 9-6-2015 was an ex parte ad interim order prior to notice where the writ petitioners had not yet appeared.

5. So far as the first grievance is concerned, it is totally misconceived, and we wonder how this is being raised. The grievance of the applicants before the Tribunal was that their services at Ranchi had been terminated. That being so, in terms of Rule 6(2) of the Central Administrative Tribunal (Procedure) Rules, 1987, which clearly stipulates that in case of dismissal, termination and retirement, it shall be the option of the applicant to file an application before a Bench within whose jurisdiction he ordinarily resides. It is not disputed that the applicants reside in Bihar. Hence, this objection, which has been noted for the sake of rejection, is rejected.

6. Next, it is submitted that in case of temporary employee the Tribunal ought not to entertain the application. Suffice it to say, where the Tribunal ought or ought not to entertain the application, is

an issue, which only can be decided by the Tribunal after hearing the parties. The Tribunal has not yet heard the parties on merit. If the writ petitioners are so sanguine about their contention, they must raise the objection before the Tribunal and seek adjudication upon. It is premature to challenge the maintainability of the proceedings at this early stage. These writ petitions do not merit consideration.

7. These writ petitions are, therefore, dismissed.

(Navaniti Prasad Singh, J)

BK.Roy/-

(Nilu Agrawal, J)

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