

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1312 of 2016

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Suresh Singh, son of Paras Nath Singh, resident of Village : Babura, P.O. : Babura,
P.S. : Barahara, District : Bhojpur.

.... Petitioner

Versus

1. The Bharat Sanchar Nigam Limited through Chief General Manager, Bihar Circle, Patna.
2. District Manager (Telecom), Bharat Sanchar Nigam Limited, Ara, Bhojpur.
3. S.D.O. (Telecom), Bharat Sanchar Nigam Limited, Ara, Bhojpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Birendra Kumar Singh, Advocate.

For the B.S.N.L. : Mrs. Renuka Sharma, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 20-06-2016

Heard learned counsel for the petitioner and the Bharat
Sanchar Nigam Limited (B.S.N.L.).

2. The challenge in the present writ application is to an
order passed by the Central Administrative Tribunal, Patna Bench,
Patna (hereinafter referred to as “the Tribunal”) on 18th of September,
2015 in O.A. No. 050/00729/2015, whereby an Original Application
for reinstatement of the petitioner to the post of Sweeper was
dismissed.

3. It appears that the petitioner was appointed on
contract basis on a monthly remuneration of Rs. 100/- in the year
2002. However, he was not engaged after the year 2011. The

petitioner claims reinstatement through an Original Application filed before the Tribunal.

4. The appointment of the petitioner on a monthly remuneration of Rs. 100/- is not against a civil post. The petitioner claims reinstatement which means as a contractual employee. Therefore, the claim of the petitioner is not against the civil post. Such claim has been rightly declined by the Tribunal as the Tribunal has jurisdiction in respect of appointment to the civil post. Merely because at one time petitioner was appointed on a monthly salary of Rs. 100/- will not confer any right in him to seek reinstatement as contractual employee. The Tribunal cannot order for reinstatement of a contractual employee. Therefore, we do not find any error in the order passed by the Tribunal.

5. Consequently, the writ application is dismissed. However, we may observe that it shall be open to the petitioner to apply for the post of Sweeper as and when any advertisement is published to fill up such post of Sweeper, provided the conditions of advertisement are fulfilled by him.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P.

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