

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14405 of 2017

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1. The Union of India through the Chairman and Managing Director, Bharat Sanchar Nigam Limited, Corporate Office, Bharat Sanchar Bhawan, Janpath, New Delhi.
 2. The Chief General Manager, Telecommunication, Bihar Circle, Patna (Bihar).
 3. The General Manager Telecom District BSNL, Bhagalpur (Bihar).
 4. The Divisional Engineer Telecom (A & P), Office of the General Manager Telecom District, BSNL, Bhagalpur (Bihar).
 5. The Sub Divisional Officer, Phones BSNL, Bhagalpur (Bihar).

.... Petitioner/s

Versus

Ravi Deo Prasad, son of Sri Sheo Narayan Prasad, Village - Megharia, PO - Bargaon, District - Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harendra Prasad Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 07-11-2017

Having heard counsel for the petitioner representing the Bharat Sanchar Nigam Limited, we are not satisfied and convinced that they have a valid reason for making discrimination against the private respondent while conferring the benefit of temporary status of a Mazdoor. Out of the list of 15 people, 14 got regularized but on a



specious ground that the private respondent continued in the position for more than 10 years because of judicial protection and therefore his case is distinguishable is contemptuous in nature. Such stand should not only be deprecated but the court should not allow such officer to take away livelihood by such kind of stand being taken before a court of law. If a judicial protection has been extended and granted then every citizen is fortified by the said order. Those orders cannot be detrimental to the interest of justice, for regularization.

The Tribunal has therefore rightly allowed the O.A. and the Court does not appreciate the audacity of the Department to assail such a fair order in the writ.

Writ is dismissed. The order dated 07.04.2017 passed in O.A. 408 of 2013 is reiterated. The time frame fixed by the Central Administrative Tribunal must be adhered to and complied with.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	09.11.2017
Transmission Date	

