

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6501 of 2012

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Md. Nashim, son of Sri Taiyab Hussain, resident of Shiv Prasad Badhee Ki Gali, Village, P.O. and P.S.-Dumraon, District-Buxar, Pin-802119

.... Petitioner

Versus

1. The Union of India through the Secretary, Ministry of Telecom, New Delhi
2. Chief General Manager, Telecom, Bihar Circle, Patna-800001
3. Asstt. General Manager (Estt.) O/O The Chief General Manager Telecom, Bihar Circle, Patna-800001

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shabbir Ahmad, Adv.

For the B.S.N.L. : Mr. Harendra Pd. Singh, Adv.

Mr. Santosh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 07-12-2017

Heard the parties.

Learned counsel for the B.S.N.L. submits that the Government of India vide notification dated 31.10.2008, in exercise of power conferred by sub-section (2) of section 14 of the Administrative Tribunals Act, 1985, specified the 10th November, 2008 as the date on and from which the provisions of sub-section (3) of Section 14 of the said Act shall apply to the organizations owned or controlled by the Government. In item no.154 of the list the name of Bharat Sanchar Nigam Limited has been notified.

In such view of the matter, with respect to all



services matter including the appointment, dismissal and promotion can only be looked into by the Central Administrative Tribunal. Hence, as per the aforesaid notification this Court cannot proceed with the matter.

Let the petitioner file a proper application before the Tribunal. The Tribunal while examining the issue of limitation will take into consideration the pendency of this case before this Court and would consider that this Court had directed the B.S.N.L. to file the counter affidavit and in pursuance thereof the B.S.N.L. has also filed its counter affidavit, but the point of jurisdiction has been raised by the learned counsel for the B.S.N.L. which is completely right as even consent of the parties cannot confer jurisdiction to the Court when jurisdiction of adjudication of disposal lies with the another forum.

With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

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