

CWP-25129-2016 &
CWP-25130-2016

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-25129-2016
Date of Decision:-13.01.2020.

Kapil Ram

.....Petitioner

Versus

Bharat Sanchar Nigam Ltd. and others

.....Respondents

(2.)

CWP-25130-2016

Samay Singh

.....Petitioner

Versus

Bharat Sanchar Nigam Ltd. and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. K.S. Jetley, Advocate for the petitioner.

Mr. Madan Mohan, Advocate for the respondents.

SANJAY KUMAR, J. (Oral)

The petitioners in these two cases were hitherto employees of the Bharat Sanchar Nigam Limited (BSNL), a Government of India enterprise.

By way of these writ petitions, they seek to challenge the

also seek a direction to stay their dispossession therefrom.

The BSNL raised a preliminary objection as to the jurisdiction of this Court to entertain and adjudicate these writ petitions in the light of Section 14 of the Administrative Tribunals Act, 1985 (hereinafter, 'the Act of 1985'). Reliance is placed upon the Notification No.P-13030/5/2008-AT dated 31.10.2008 issued by the Government of India under Section 14 (2) of the Act of 1985, whereby the BSNL was also brought within the ambit of the organizations covered by the provisions of Section 14 of the Act of 1985.

Perusal of Section 14 of the Act of 1985, manifests that only the Central Administrative Tribunal constituted under Section 4 of the Act of 1985 would have jurisdiction, power and authority to deal with all service matters concerning the categories of employees enumerated thereunder. Needless to state, allotment of quarters by the organization concerned would fall within the ambit of service benefits and any dispute relating thereto would constitute a 'service matter'.

Mr. K.S. Jetley, learned counsel for the petitioners, would however argue that as the BSNL came out with a comprehensive policy for renting out its quarters and the same permits such allotments being made not only in favour of the employees of the BSNL but also employees of State Government Departments and State Public Sector Undertakings, the embargo envisaged by Section 14 of the Act of 1985 cannot be pressed into service only on the ground that the petitioners were earlier the employees of BSNL. Learned counsel would contend that applying Section 14 of the Act of 1985 would result in a situation where a State Government Department employee or a State Public Sector Undertaking employee would be entitled

to approach this Court in relation to allotment of quarters but employees of the BSNL alone would be driven to the Tribunal in terms of the statutory provision.

Having considered the submission made by the learned counsel, this Court is not impressed. The petitioners were admittedly the employees of BSNL and their cases fall squarely within the four corners of Section 14 of the Act of 1985. The question of reading down the said provision so as to exclude them from the ambit thereof on the ground that others who might be similarly situated, but were not employees of BSNL, would not have to approach the Tribunal, cannot be countenanced. The statutory provision seeks to confer exclusive jurisdiction upon the Tribunals constituted under the Act of 1985 and once the cases of the petitioners come within the reach of Section 14 of the Act of 1985, this Court would be divested of jurisdiction to entertain their disputes in the first instance. The petitioners would necessarily have to approach the jurisdictional Central Administrative Tribunal concerned at this stage.

The writ petitions are accordingly disposed of leaving it open to the petitioners to take recourse to the statutory remedy available to them under the Act of 1985.

No order as to costs.

(SANJAY KUMAR)
JUDGE

January 13, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.