

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1312 of 2019

In

Civil Writ Jurisdiction Case No.366 of 2019

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Dadan Ram Son of Hari Mohan Ram Resident of Village- Narbirpur, P.O.-
Chandi, Police Station- Chandi, District- Bhojpur.

... .. Appellant/s

Versus

1. The Chief General Manager, Telecom, Bharat Sanchar Nigam Limited Near
R- Block, Bihar Circle, Patna.
2. The Telecom District Manager, Bharat Sanchar Nigam Limited, Arrah,
District- Bhojpur.
3. The Telecom District Engineer, Department of Telecommunication, Arrah,
District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Dhanesh Shankar Vidyarthi

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 28-07-2022

In the instant appeal, appellant has questioned the
validity of the order dated 05.09.2019 passed by the Learned
Single Judge in C.W.J.C. No. 366 of 2019.

2. Perusal of the records, it is evident that appellant is an
employee of the Bharat Sanchar Nigam Limited and posted in the
Telecom Office at Ara. The Learned Single Judge has not noticed
that writ petition is not maintainable in respect of an employee of
the Telecom Department in the light of Apex Court decision in the



case of *L. Chandra Kumar vs. Union of India and Others* reported in (1997) 3 SCC 261. In other words, first court of instance is Administrative Tribunal to that of employees of the Telecom Department. Therefore, the present appeal stands disposed off, reserving liberty to the appellant to invoke remedy under Section 19 of the Administrative Tribunals Act, 1985 before the jurisdictional Central Administrative Tribunal. If the appellant preferred application before the Central Administrative Tribunal, order of the learned Single Judge dated 05.09.2019 passed in C.W.J.C. No. 366 of 2019 would not come in the way of deciding the application of the appellant by the jurisdictional Central Administrative Tribunal.

The Central Administrative Tribunal is hereby requested to examine the delay of condonation, if any, in filing application with reference to Section 14 of the Limitation Act.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	02.08.2022
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