

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1723 of 2022

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Md. Wasim Son of Md. Yasin Resident of Village- Singhauli, P.O.- Hasua,
P.S.- Hasua, District- Nawada.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Telecommunication Department, New Delhi.
2. The Chief General Manager, Telecommunication, Bihar Circle, Patna.
3. The Division Engineer, Telecommunication Engineering Division, Gaya.
4. Divisional Engineer, Telecommunication Engineering Division, Katihar..

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Renu Jha, Advocate
For the Respondent/s : Mr.Dr. K.N. Singh (ASG)

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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

Heard learned counsels for respective parties.

02. In the instant petition, petitioner has assailed the order dated 05.07.2016 passed in OA No. 573 of 2014 along with order dated 23.05.2019 passed in R.A. No. 8 of 2017 by the Central Administrative Tribunal, Patna Bench, Patna.

03. The petitioner has sought for the following reliefs:-

“i) Whether the impugned judgment and order dated 05.07.2016 and 23.05.2019 passed in O.A. No. 573 of 2014 and R.A. No. 8 of 2017 is legal and valid both in law as well as on facts.



ii) Whether the learned Tribunal has committed jurisdiction illegality in dismissed the petitioner without consider the merit at the case natural justice in fvaour of the petitioner.

Iii) Whether the petitioner filed O.A. No. 573 of 2014 for the following relief to grant Temporary Status Mazdoor (TSM) to the petitioner with effect from the date when juniors to the petitioner have been granted by Katihar Telecom Division in accordance with seniority list at Casual Mazdoor dated 25.01.1988?

iv) Whether to grant Permanent Status Mazdoor (PSM) to the petitioner with effect from the date when juniors to the petitioner have been granted such permanent status.

v) Whether to grant all consequential relief to the petitioner including benefits of pension and after retiral benefits which the junior to the petitioner will be availing?"

04. The Tribunal rejected the original application and review application. After perusal of the records the petitioner is stated to have been appointed as casual Mazdoor on 14.01.1984 in Katihar Telegraph Engineering Division under Telecom Department and rendered service up to 2000 (it is disputed) thereafter he has joined Gaya Division. The petitioner's



contention is that his junior in Katihar Division were extended temporary status in the year 1987. Similar benefit was extended to the petitioner, however, the same has not been maintained in the Gaya Division.

05. Despite repeatedly question was posed to the petitioner's counsel that how the petitioner entered the Gaya Division so as to examine whether entering into Gaya Division is in the public interest or in the interest of petitioner. The same was not apprised with reference to documentary evidence. On the other hand, respondents-department have also disputed the fact that there was no order of transfer. It is also submitted that Officer of the Katihar Division is not empower to transfer an employee from one division to another division. Entering Gaya Division by the petitioner is still mystery. Moreover, cause of action accrued to the petitioner as and when he entered the Gaya Division. In fact, in Gaya Division also the petitioner was assigned temporary status w.e.f. 01.01.2001 and services have been regularized on 06.04.2002. If the contention of the petitioner that he had been assigned temporary status in the Katihar Division and his services were regularized in such an event petitioner should have questioned the validity of bringing him with temporary status on 01.01.2001 and regularization



dated 06.04.2002 stating that question of granting temporary status in the Gaya Division is not warranted once he had been granted temporary status and regularization was already extended by the Katihar Division.

06. *Prima facie*, there is some disputed facts which has not been apprised by the petitioner in respect of joining Gaya Division from Katihar Division. In the light of these facts and circumstances, the grievance of the petitioner in the year 2014 with reference to cause of action in the year 2001-2002 the dates on which he was given temporary status and his services were regularized, in the Gaya Division so as to adduce that he was given temporary status in the Katihar Division and services were regularized whereas Original Application No. 573 of 2014 was presented in the year 2014.

07. In the light of these facts and circumstances, petitioner has not made out a case. Accordingly, writ petition stands dismissed while affirming of the order dated 05.07.2016 passed in OA No. 573 of 2014 read with the order dated 23.05.2019 passed in R.A. No. 8 of 2017 by the Central Administrative Tribunal, Patna Bench, Patna.

08. Dismissal of the present petition would not come in the way to the petitioner in claiming service rendered in



Katihar Division only for the purpose of computing service and
fixation of pension.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

