

18.
21.11.2022
S.D.

W.P.A. 23534 of 2022

**Hari Kanta Roy
Vs.
The Bharat Sanchar Nigam Limited & Ors.**

Mr. Abhimanyu Banerjee
..For the Petitioner

Ms. Shreyasi Bhaduri
...For the BSNL

Mr. Banerjee, learned counsel appearing on behalf of the petitioner submits that the petitioner's pension to the tune of 100 per cent has been withheld for the combined service rendered by him with the Bharat Sanchar Nigam Limited (in short, 'BSNL') and DoT on permanent basis. The said order was passed on December 29, 2021 by the CMD (in short, "Chief Managing Director"), BSNL, a disciplinary authority, New Delhi. The petitioner has challenged the impugned order dated December 29, 2021 in the writ petition. The said order was communicated to the petitioner by the Chief General Manager/respondent no. 2 on January 21, 2022.

It is submitted that the CMD, BSNL was not the authority concerned. Furthermore, without initiation of disciplinary proceeding against the petitioner, an order of

punishment passed against him. As such, the said order of punishment is illegal and/or void is liable to be set aside and/or quashed.

Ms. Bhaduri, learned advocate appearing on behalf of the respondent authorities, submits that this Court has no jurisdiction to entertain the writ petition since under the Administrative Tribunals Act, 1985, the proper forum for ventilation of the petitioner's grievances would be the appropriate Tribunal having jurisdiction over the issue.

She relies on a judgment passed by a Coordinate Bench in **W.P.A. 7402 of 2021 (Mahua Chakraborty and Anr. Vs. Union of India and Ors.)** in support of her contention that appropriate Tribunal before the Administrative Tribunals Act, 1985 is the authority having jurisdiction in this matter.

In the light of the submissions made hereinabove and considering the Notification dated October 31, 2008, this Court is of the view that the appropriate forum is the Tribunal authorized under the Administrative Tribunals Act, 1985.

With the observations made hereinabove, the writ petition being **W.P.A. 23534 of 2022** is **dismissed** with liberty to approach the appropriate Tribunal having jurisdiction on the selfsame cause of action.

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance with all the formalities.

(Lapita Banerji, J.)