



2026:DHC:3109-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision : 15.04.2026*+ W.P.(C) 4363/2026
AMARNATH

.....Petitioner

Through: Petitioner in person

versus

BHARAT SANCHAR NIGAM
LIMITED & ORS.

.....Respondents

Through: Mr. Neeraj, SPC with Mr. Rudra
Paliwal, GP and Mr. Soumyadip
Chakraborty, Adv. for DoT**CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****V. KAMESWAR RAO, J. (ORAL)**

1. This petition has been filed with the following prayers:

“1. Writ of Certiorari:*That the impugned dismissal order dated 28-05-2013 passed by Respondent No. 4 (Disciplinary Authority) be quashed/set aside, as it violates Rule 43 of BSNL CDA Rules, 2006, principles of natural justice, and Articles 14, 16, and 21 of the Constitution of India.****2. Writ of Mandamus:****That the Respondents be directed to pay the Petitioner all back wages, promotions, seniority, and other service benefits from the date of dismissal until the date of retirement, along with interest.****3. Challenge to Vires of Rules:*** *That it be declared that the provisions of Rule 40(a) and Rule 33(B)(j) of BSNL CDA Rules, 2006, which confer power for ‘mandatory dismissal’ without exercise of discretion, are unconstitutional and violative of Article 14 (equality), as they negate the principle of ‘proportionality of*



punishment'.

4. Summoning of Records:

In the interest of justice, Respondent No. 2 (DoT) be directed to produce the original file and noting sheet pertaining to Letter No. 09-25/94-Vig-I(Pt) dated 10-02-2012 before the Court, to ascertain how DoT officials obtained information about the Petitioner's reinstatement from an unauthorized source despite no official intimation from BSNL, and under whose influence the letter was issued.

5. Disciplinary Action and Damages:

*a. That the Hon'ble Court direct the Department of Telecommunications (DoT) to initiate a high-level departmental inquiry against the Assistant Director General (Vigilance) who issued the illegal letter dated 10-02-2012 (Annexure-8) for "**abuse of power**", and upon finding guilty, impose stringent punitive action.*

b. Since the said officer's unlawful act has ruined the Petitioner's life, the Hon'ble Court may pass an order for recovery of exemplary costs/damages from the said officer's salary/pension/personal property and award the same to the Petitioner.

c. That the Hon'ble Court constitute a high-level committee to investigate the role of the Chief Vigilance Officer (CVO), BSNL, and treat the forwarding of an illegal letter without application of mind as 'misconduct', ensuring departmental proceedings against him.

Since these unlawful acts have ruined the Petitioner's life, the Hon'ble Court may pass an order for recovery of exemplary costs/damages from the said officer's salary/pension/personal property and award the same to the Petitioner."

2. In effect the petitioner is challenging the order of dismissal dated 28.05.2013.

3. Mr. Amarnath, the petitioner who appears in person, states that he has challenged the vires of the Rule 40(a) and Rule 33(B)(j) of the BSNL CDA Rules, 2006 and as such the petition is maintainable here as the Tribunal



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does not have the powers to adjudicate the *vires* of a statutory Rule.

4. We are unable to accept such a plea. The Tribunal except determining the *vires* of the provisions of the Administrative Tribunals Act, 1985 under which it is constituted, can decide the *vires* of a Rule even if it is statutory in nature. It is a conceded position that the BSNL has been notified under the provisions of Section 14 of the Administrative Tribunals Act, 1985 and as such the Central Administrative Tribunal shall have the jurisdiction to entertain any service dispute relatable to the employees of BSNL.

5. Hence, granting liberty to the petitioner to approach the Central Administrative Tribunal, we close this petition.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

APRIL 15, 2026/msh