
(2011) 05 RAJ CK 0010
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1738 of 2003

Mukesh Kumar

APPELLANT

Vs

BSNL and Others

RESPONDENT

Date of Decision : 02-05-2011

Acts Referred:

Citation : (2011) 05 RAJ CK 0010

Hon'ble Judges : Ajay Rastogi, J

Bench : Single Bench

Judgement

Ajay Rastogi, J.—Counsel for Petitioner submits that Petitioner was initially appointed as a Safaiwala vide order dt. 25/04/1994 in the Department of Telecommunication on part time basis and vide order dt.15/02/2002 (Ann. 4) the order has been passed conferring upon other persons benefits of full time casual majdoors in the service of Respondents, which was not given to the Petitioner and which was challenged before the Central Administrative Tribunal but vide order dt. 30/12/2002 (Ann. 6), his original application was dismissed at admission stage on the ground that the Tribunal has no jurisdiction.

2. Counsel for Respondents submits that in view of notification dt. 21/10/2008 whereby in exercise of powers conferred by Section 14(2) of the Act, 1985, the Central Government has notified 10th day of November, 2008 as the date on and from which provisions of Section 14(3) of the Act shall apply to organisation including Respondent-BSNL - as a consequence whereof, orders passed by BSNL are appealable before Central Administrative Tribunal.

3. Counsel for Petitioner submits that since pleadings are complete and notification (supra) has been issued on 21/10/2008 after filing of instant petition may be transferred to the Central Administrative Tribunal, which has not been objected by Respondent's Counsel.

4. In view of notification (supra), writ petition is not maintainable as the order impugned is appealable under the Act, 1985 being the only efficacious remedy

under law.

5. Consequently writ petition is disposed of with the direction that matter be transferred to the Central Administrative Tribunal, Jaipur Bench for its adjudication in view of notification (supra). Parties are directed to appear before the Tribunal on 30/05/2011. Registry is directed to transfer the file to Tribunal (supra) alongwith a copy of this order. No costs.