

O.A.NO.1420 OF 2004ORDER DATED 07.11.07

The O.A. has been filed under Section 19 of the Administrative Tribunal's Act, 1985 seeking the following relief:

"To quash the order of suspension passed by the Res.No.2 under Annexure-3 and direct re-instatement of the applicant in his service permitting him to discharge his duties of receiving the telegrams and dispatch the same as before."

2. When the case is called up, neither the Ld.Counsel for the applicant nor the applicant in person is present. The Respondents have filed the counter contending that this Tribunal has no jurisdiction on the ground that the applicant has been permanently absorbed in BSNL vide letter No.OR/Bhawanipatna/026/2001 dated 19.2.2002 w.e.f. 1.10.2000 and as such the Tribunal has no jurisdiction to entertain this present O.A.

3. The Ld.Counsel for the Respondents further submitted that the applicant has approached the Hon'ble High Court in WP(C) No.14607/04 & M.C.No.14061/04 with the same relief as prayed in the present O.A. The relief in the said Writ Petition is as follows:

"The petitioner above named, therefore, prays that in the facts and circumstances of the case stated above, your Lordships may please

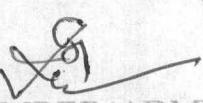


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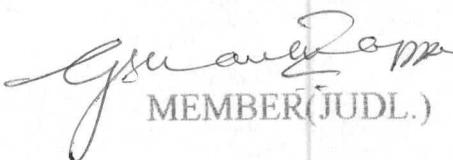
to issue notice to the Opp. Parties by asking them to show cause as to why the writ application shall not be allowed and if they fail to show cause or cause shown are found to be insufficient in law as well as in the facts and circumstances of the case, your Lordships may please to allow this application quashing the impugned order under Annexure-3 suspending the petitioner from his service with a direction to allow him to continue in his post by issuing an appropriate writ or writs particularly a writ of Mandamus."

4. The Counsel for the Respondents has produced a final order of the Hon'ble High Court of Orissa dated 14.12.06 in which the above Writ Petition has been dismissed. Applicant was aware that this Tribunal has no jurisdiction. Accordingly, he has moved to the Hon'ble High Court of Orissa in the above Writ Petition. The submission made by the Ld.Counsel for the Respondents is recorded. Based on the judgement of the Hon'ble High Court of Orissa, this Tribunal has no jurisdiction to entertain the present O.A.

5. Accordingly, the Original Application is dismissed. No costs.



MEMBER(ADMN.)



MEMBER(JUDL.)