

28

Goutam Sahu & Ors-Vrs-UOI&Ors

P.H.Sl.No.6

OA No.1038/2012

Order dated 21th August, 2014.

CORAM

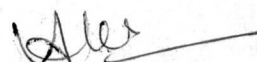
THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL)
THE HON'BLE MR.R.C.MISRA, MEMBER (ADMN.)

.....

Heard Mr.S.K.Rath, Learned Counsel appearing for the Applicant and Mr.K.C.Kanungo, Learned panel counsel for the Respondents and perused the records.

2. All the Applicants are at present working as JTO (Computer) in the office of the GMTD, Bhubaneswar. By filing this OA, they have prayed for the following reliefs:

- (i) To declare the Recruitment Rules 2008 of directly recruited DGM of BSNL Management service as ultravires as Annexure-A/3 and unconstitutional;
- (ii) And further may declare specifically the schedule I of Rule 2008 relating fixation 60% of mark in B.E for BSNL executives and also to declare 5 years relaxation for BSNL employee for the age limit fixed as 45 years;
- (iii) And also may declare that the Notifications dated 27.12.2012 Annexure-A/4 and 6 are illegal and null and void;
- (iv) And also may directed the Respondents to give due weightage to seniority, ACR of and relaxation age limit, percentage of marks and fix quota for BSNL executive and adopt principle cum merit;



- (v) And also this Hon'ble Tribunal may direct the Respondents to invite objection and with giving due opportunity of Engineers Association to participate in formation of revised/workable Recruitment Rule 2008;
- (vi) This Hon'ble Tribunal may taking into consideration the interest of justice for formulation of ALL India Promotion Policy for the post of DGM in BSNL may modulate and grant relief in the facts circumstances and taking consideration law involved in this original application;
- (vii) Any other appropriate order may kindly be passed which would be deemed fit and proper in the facts and circumstances of the case."

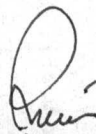
3. Respondents have filed their counter resisting the claim of the Applicants and praying inter alia that this OA being devoid of any merit is liable to be dismissed.

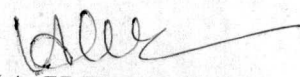
4. Today, at the outset, Mr.Kanungo by drawing our attention to the condition No. 15 of Annexure-A/4 (at page 46-51 of the OA) wherein it has been provided that "any dispute in regard to the increment will be subject to the Courts/Tribunals at Delhi" has submitted that in view of the above this OA is not maintainable before this Bench of the Tribunal. On being asked, Mr.Rath did not give us any satisfactory explanation so as to

Ally

overcome most vital point of maintainability of the OA before this Bench of the Tribunal and wanted a short adjournment. As in view of the above specific condition this OA is proved to be not maintainable in this Bench of the Tribunal, we are not inclined to keep this matter pending by granting adjournment as sought by the Learned Counsel for the Applicant.

5. As such, for the discussions made above, without going to the merit of the matter, in view of the specific conditions stipulated in Annexure-A/4, stated above, this OA is dismissed due to lack of jurisdiction. There shall be no order as to costs.


(R.C. Misra)
Member (Admn.)


(A.K. Patnaik)
Member (Judicial)