

In the High Court of Judicature for Rajasthan
Jaipur Bench
**

Civil Writ Petition No.2296/2007
LD Bhatia **Versus** Univ. of Raj.,
Bharat Sanchar Nigam Ltd & (2) Ors.

Date of Order :: 22/12/08

Hon'ble Mr. Justice Ajay Rastogi

Mr. PN Jatti, for petitioner
Mr. Bal Krishan Sharma, for respondents-BSNL

Instant petition has been filed assailing order passed by Bharat Sanchar Nigam Ltd (**BSNL**). Notices were issued by this Court on 03/04/07.

Counsel for respondent BSNL has brought to the notice of this Court that vide notification dt.21/10/08, in exercise of powers conferred by S.14(2) of Central Administrative Tribunals Act, 1985 ("**Act, 1985**") Central Government has notified 10th day of November, 2008 as the date on and from which provisions of S.14(3) of the Act shall apply to the organisations including respondent BSNL - as a consequence whereof, orders passed by BSNL are appealable before Central Administrative Tribunal under Act, 1985.

Counsel for petitioner submits that since pleadings are complete and notification (*supra*) has been issued on 21/10/08 much after filing of instant petition and issuance of notices, so matter, itself, be transferred to the Central Administrative Tribunal, which has not been

objected by respondent's Counsel.

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

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 09/02/09. Registry is directed to transfer the file to Tribunal (supra) alongwith a copy of this order. No costs.

(Ajay Rastogi), J.