

Petition is not maintainable in law and hence liable to be dismissed.

5. I state that the Petitioner No.2 has admitted at several places in the writ petition that he was holding two posts simultaneously, which is not permissible under rules and therefore also there is no substance in the writ petition and as such liable to be dismissed.

6. I respectfully say and submit that the issue in this Writ Petition is purely to administrative nature. This is a pre-mature writ petition because there are comprehensive administrative channels and hierarchy and persuaded channels of communication available to the petitioner for addressing and seeking the redressal of such issues. The hierarchy upwards in this instant case is Circle Head i.e. CGMT Maharashtra Circle followed by Director (HR) then Chairman and Managing Director (CMD) BSNL and then Secretary DOT i.e. Administrative Ministry. The issues raised are of administrative nature and have not been represented methodically and through proper channel by the petitioners for the redressal without having escalated the matters through proper channel to the appropriate administrative authority. Petitioners have preferred to directly approach Hon'ble High Court, as if there fundamental rights are violated and there are not departmental remedies available. There are prima facie no exigencies. It is an established principle and mechanism available to each and every employee/Association to first seek the administrative redressal of the grievances and exhaust all the means of

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redressal within the administrative framework of the Public Sector Undertaking and administrative machinery. IN fact as stated earlier this writ petition raises disputed questions of facts, where evidence is to be laid and therefore the WP is even otherwise not maintainable in law and thus liable to be dismissed. The said instructions regarding the submission of representation and manner of its disposal guidelines is circulated as per OM No 11024/17/2012 -IBB Dated 02-11-2012 Hereto annexed and marked Ex. A.

7. Without prejudice to the aforesaid contentions, the respondents would like to reply the writ petition parawise as under:

8. With reference to para 1 and 2 of the writ petition, I say and submit that at the time of verification of membership SNEA association has given an undertaking that the "provisions of BSNL (REA) Rules 2014 are acceptable to SNEA association. As per Para. 14(2) of BSNL REA rules 2014 [page 86 of WP] stipulates that " the Association shall abide by and comply with all provisions of its constitution/bye rule laws".

As per the SNEA constitution [page 31 of WP] period of District body is for two year and election of district level has to be held within the scheduled time period of two years. District body of Circle office Mumbai was formed on 15th September 2015. Thereafter, no election was conducted by District level of Circle office Mumbai. However, the same body continued without any knowledge of the respondents. The respondents have asked