

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A No. 180/00467/2019

Tuesday, this the 25th day of February, 2020.

CORAM:

HON'BLE Mr. ASHISH KALIA, JUDICIAL MEMBER

Sugatha M.V., aged 35
D/o. Velayudhan,
Sugatha Nivas, Mayiladan Para,
Kallur (P.O), Palakkad District – 678 641. - Applicant

[By Advocate : Mr. Mathew John]

Versus

2. The CMD, BSNL,
Bharath Sanchar Bhavan,
H.C. Mathur Lane, Janpath,
New Delhi – 110 001.
3. The Assistant General Manager,
Telecom District, BSNL, Palakkad,
I.B. Road, Palakkad – 678 014. - Respondents

(R-1 deleted vide order dated 17.10.2019 in M.A No. 180/884/2019)

[By Advocate : Mr. V. Santharam]

The application having been heard on 25.02.2020, the Tribunal on the same day delivered the following:

ORDER

Per: Ashish Kalia, Judicial Member

This application is filed with a delay of 10 years. No representation has been received from the applicant as submitted by the respondents in para 3 of the reply statement.

“3. It is submitted that Shri M.K. Velayudhan, Telecom Technician of Palakkad BA died while he was in service on 08.04.2009 and BSNL had paid all the service benefits to his family. The applicant had not submitted the Anneures-A1 and

A4 representations as alleged in the O.A. No such applications were received by the respondents till date. The respondents cannot process a case for appointment on compassionate grounds without an application for the same. Applicant has not stated the mode of submitting Annexures A-1 and A-4 applications. Applicant may be directed to provide the proof of submission/delivery of Annexures A-1 and A-4 applications. The respondents did not receive Annexures A-1 and A-4 applications till date. As per the records of BSNL, no such application has been received by the BSNL. As there is no application submitted by the applicant, there is no question of any consideration of applicant's case. Even if Annexures A-1 and A-4 produced in the original application are to be considered as applications (not admitted by BSNL), under CGA Scheme, then the same has to be considered as application received on 03.07.2019, the date on which the O.A is first listed for admission before this Hon'ble Tribunal. Even otherwise, the applicant may not be considered for the compassionate ground appointment for the reason that BSNL Board has kept in abeyance all the compassionate ground appointment for vacancies arising after 01.04.2018 including the un-filled vacancies, if any, after conducting Circle High Power Committee meeting for vacancies upto 31.03.2018. This has been communicated under Order No. 273-18-2013/CGA/Estt-IV dated 09.04.2019 issued by BSNL Corporate Office. True copy of the said order No. 273-18-2013/CGA/Estt-IV dated 09.04.2019 is produced herewith as Annexure R-2(a). The said order is passed due to the stressed financial condition of the BSNL."

2. In the interest of justice, I hereby direct the respondents that this O.A may be treated as representation of the applicant and may be disposed of according to the law within four weeks from the date of receipt of a copy of this order.

3. O.A is disposed of as above. No order as to costs.

(Dated, 25th February, 2020.)

**(ASHISH KALIA)
JUDICIAL MEMBER**

Applicant's Annexures

Annexure A-1 - True photocopy of application submitted by the applicant before the 3rd respondent dated 26.06.2009 along with the true English translation of Anneures-A1.

Annexure A-2 - True photocopy of the B.Sc certificate of the applicant dated 28.10.2006.

Annexure A-3 - True photocopy of the certificate of diploma in Computer Application dated 12.03.2012.

Annexure A-4 - True photocopy of representation filed before 2nd respondent dated 22.06.2010.

Annexure A-5 - True photocopy of salary slip of the father of the applicant dated 01.06.2009.

Annexure A-6 - True photocopy of the Pension Payment Order of the father of the applicant dated 06.10.2009.

Annexure A-7 - True photocopy of the communication dated 02.04.2009 of General Manager, Telecom.

Annexure A-8 - True photocopy of the death certificate of the father of the applicant dated 22.04.2009.

Annexure A-9 - True photocopy of the ration card of the family of the applicant along with the true English translation of Annexure A-9.

Annexure A-10 - True photocopy of caste certificate of the applicant issued by Tahsildar, Palghat.

Annexure A-11 - True photocopy of relationship certificate dated 18.05.2009 issued by Village Officer, Mankara.

Annexure A-12 - True photocopy of order dated 31.07.2018 issued by 2nd respondent.

Annexures of Respondents

Annexure R-2(a) - True copy of the order No. 273-18-2013/CGA/Estt-IV dated 09.04.2019.
