

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

CIRCUIT COURT AT AGARTALA

Original Application No. 041/00027/2020

Date of Order: This, the 11TH Day of March, 2021

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)
THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)



Sri Tutan Deb
S/o Late Basana Deb
Resident of Ranjit Nagar
P.O. – Ramnagar
P.S. – Ramnagar, Agartala
West Tripura, Pin – 799002.

... Applicant

- Versus -

1. The Bharat Sanchar Nigam Limited
A Govt. of India Enterprise
(To be represented by the CMD)
Sanchar Bhavan, 20
Ashoka Road, New Delhi – 110001.
2. The Chief General Manager, BSNL
O/o the CGM, North East-I Telecom Circle
CTO Building, Shillong – 793001.

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3. The Asst. General Manager (HR-I)
O/o the CGM, North East-I Telecom Circle
CTO Building, Shillong – 793001.

4. The General Manager
BSNL Tripura SSA
O/o the GM TD
Door Sanchar Bhavan
Kaman Chowmuhani
P.O. – Agartala, West Tripura
Pin – 799001.



...Respondents.

For the Applicant : Sri P. Maishan

For the Respondents : Submitted Letter of
absence By Sri B. Pathak

ORDER (ORAL)

MANJULA DAS, MEMBER (J):-

This O.A. has been filed by the applicant
under Section 19 of the Administrative Tribunals Act,

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1985 with a prayer for quashing and cancelling the Office Order No. NE-1/Legal/Tutan Deb/L10-II/OA-17/2018/04 dated 17.07.2019 issued by the Assistant General Manager (HR-I), O/o the CGMT, NE-I Circle, BSNL, Shillong (Respondent No. 3) by which it was held that the applicant is ineligible for appointment on compassionate ground under the 2016 Guidelines.



He further prays for a direction upon the respondents to consider his case for appointment on compassionate ground under Die-in-harness scheme in consequence of death of Late Basana Deb, the mother of the applicant, who died on 14.05.2010, while serving as RM, Group-D employee under the O/o the General Manager, BSNL, Tripura, SSA.

2. Sri P. Maishan, learned counsel appearing for the applicant submits before the court that on earlier

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occasion, the applicant had approached before this Tribunal vide O.A. No. 041/00017/2018 with a prayer to consider his case for compassionate appointment and this Tribunal vide order dated 31st August, 2018 disposed of the said O.A. by directing the respondents to scrutinize the case of the applicant again by awarding proper points against terminal benefits and consider his case afresh in the light of guidelines of 2016 within a period of four months from the date of receipt of the order. Accordingly, the respondent authorities have complied the order passed by this Tribunal on 31st August 2018 vide office order dated 17.07.2019 by which the case of the applicant was rejected.



3. Learned counsel for the respondents is not present and he has filed letter of absence. However,

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they have filed their written statement, as evident from the records.

4. This Central Administrative Tribunal, Guwahati Bench is sitting here at Agartala to take up the matter pertaining to the territorial jurisdiction in the State of Tripura. Since this is a matter of Tripura, we are not inclined to grant any adjournment. It is to be stated that Central Administrative Tribunal has been set up for early disposal of service matters of the Central Govt. Civilian Employees.



4. It was submitted by Sri Maishan that while the respondent authorities in compliance of the order of this Tribunal dated 31st August 2018 in O.A. No. 041/00017/2018, passed the office order dated 17.07.2019 wherein they have again done wrong and to convince us, Sri Maishan submits that the

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weightage point had been given to the applicant as 54, as appears in Anneuxre-A/8, Page 40 to the O.A. and after calculation, it was given as 52 vide impugned order dated 17.07.2019.



5. We have noted that this calculation has been made by the respondent authorities as per 2016 Scheme and no such error there on the part of the respondents. However, learned counsel for the applicant vehemently argued and submitted that on 22.10.2013, a Clarification has been issued by the respondent authorities i.e. Bharat Sanchar Nigam Limited, Corporate Office [Personnel-IV Section], New Delhi under No. 273-18/2005-Pers.IV by clarifying as under:-

“All Circles Heads are, therefore, requested to ensure that while applying weightage point system issued by BSNL C.O. in 2007, pre-revised pension should be considered along with the

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actual terminal benefits including GPF etc. received by the deceased family."

6. From the perusal of above document dated 22.10.2013, it is found that that calculation related to 2007. On query as to whether there is any calculation in regards to Guideline of 2016 on the issue as well as apropos earlier basic pay of Rs. 2660/- and after revised Rs. 5985/-, learned counsel for the applicant failed to reply the same. However, he humbly prays before this Tribunal that let the applicant be directed to approach before the appropriate authority to get any proper instruction or to clarify as to whether his case will be considered in view of the clarification No. 273-18/2005-Pers.IV dated 22.10.2013 issued by the Bharat Sanchar Nigam Limited.



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7. By accepting the prayer made by Sri P. Maishan, learned counsel for the applicant, without going in to the merit of the case, we hereby direct the applicant to approach before the appropriate respondent authorities within a period of one month from the date of receipt a copy of this order, so as to enable him to get clarification in regards of Compassionate Ground Appointment, so that the respondent authorities may consider his case as per their earlier calculation dated 22.10.2013 and on the basis of scheme of 2016. If the applicant is approached before the respondent authorities, they may consider the case of the applicant and pass appropriate orders, as per law.



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8. With the above observations and directions,
O.A. stands disposed of. No order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)



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