

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/00434/2019

Date of order: 1.4.2021

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

Aparna Kundu,
Wife of late Samir Kundu,
Residing at 127, Rabindra Nagar, Dankuni,
Police Station - Dankuni,
District - Hooghly,
PIN - 712 311.

..... Applicant.

-Versus-

1. Union of India,
through Secretary,
Ministry of Communication,
Dept. of Telecommunication,
Govt. of India,
Sanchar Bhavan, 20 No. Ashaka Road,
New Delhi - 110001.
2. The Chief General Manager,
Telecom (S.D.E.S.-II),
West Bengal Telecom Circle,
1, Council House Street,
Kolkata 700 001.
3. General Manager,
Telecom, B.S.N.L. Calcutta,
SSA, CTO Building (3rd Floor),
8, Red Cross Place,
Kolkata - 700 001.
4. Assistant General Manager
(HR & Admn.) Calcutta,
SSA, BSNL. C.T.O. Building (2nd Floor),
8, Red Cross Place,
Kolkata - 700 001.
5. The S.D.E. (Trans) Arambag,
Telephone Exchange,

[Signature]

Vill - Parul,
 P.O. Arambagh,
 P.S. Arambagh,
 District - Hooghly, PIN - 712601.

.....Respondents.

For the Applicant : Mr. S.A. Ahmed, Counsel

For the Respondents : None

O R D E R (Oral)

Dr. Nandita Chatterjee, Administrative Member:

The applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "(i) An order do issue upon the respondents particularly upon the Chief General Manager, Telecom (S.D.E.S. - II), West Bengal, Telecom Circle - I House Street, Kolkata - 700 001 to issue necessary order for the appointment of the applicant on the compassionate ground.
- (ii) An order do issue upon the respondents to dispose of the representations on different dates particularly dated 01.08.2018 and 25.1.2018 and to produce entire document before the Tribunal for conscientable of justice.
- (iii) An order do issue upon the respondents do issue upon the Chief General Manager, Telecom (S.D.E.S. - II), W.B. Telecom Circle - 1, Council House Street, Kolkata - 700 001, being the respondent No. 2 herein to forward the matter to the appropriate authority for taking permission if the matter is time barred to the ends of justice.
- (iv) Any other order/orders as Your Lordship may deem fit and proper."

2. Heard Ld. Counsel for the applicant. Despite repeated instructions of this Tribunal, none appears for the respondents nor is any reply found on record. Hence, Rule 16(1) of CAT (Procedure) Rules, 1987 is invoked.

3. The bone of contention in this matter is whether the applicant, by virtue of not having her own residential accommodation, can be deprived of the appropriate weightage points in considering her prayer for appointment on

4th

compassionate grounds as noted in the speaking order at Annexure A-8 to the O.A.

The applicant would dispute the fact that she lives in her own house and would claim that she has been living in a rented accommodation since demise of her spouse and is continuing to remain as such.

In support, Ld. Counsel would furnish an affidavit at Annexure A-4 to the O.A. and, during hearing, would also furnish certain documents to establish the fact that the applicant occupies her present residential accommodation on rental basis.

3. As the dispute is factual in nature, primarily revolving around the fact whether the applicant is residing in her own accommodation or not, the competent respondent authorities are hereby directed to cause an inspection of the applicant's residential premises and to ascertain conclusively as to whether the applicant has been residing in own/rented premises since the demise of her husband, what has been the status of her residential premises when she had applied for compassionate appointment and, thereafter.

Once such verification report is obtained, the respondent authorities may reconsider the claim of the applicant, in accordance with law, and, consequent actions may follow thereupon.

The entire exercise may be completed within a period of 16 weeks from the date of receipt of a copy of this order.

4. The O.A. is disposed of with the above directions. No costs.


(Dr. Nandita Chatterjee)
Administrative Member

SP