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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. No. 534 of 2013
Cuttack this the 8th day of August, 2013

CORAM:

HON'BLE SHRI A.K.PATNAIK, MEMBER (J)
HON'BLE SHRI R.C.MISRA, MEMBER (A)

.....

Bishok Kumar Prusty, aged about 36 years, Son of Late Sridhar Prusty, At-Sarapada, Po.Bodhagan, Via-Nischintakoili, Dist. Cuttack.

.....Applicant

By the Advocate(s)-M/s.J.K.Lenka,P.K.Behera

-VERSUS-

Union of India represented through

1. The Secretary (Department of Telecommunication), Sanchar Bhavan, 20 Ashok Road, New Delhi-110001.
2. Chief General Manager of Telecommunication (CGMT), Odisha Circle, Bhubaneswar, Dist. Khurda.
3. General Manager (HR & Admn.), Office of the CGMT, BSNL Odisha Circle, Bhubaneswar, Dist. Khurda.

...Respondents

By the Advocate(s)-Mr.L.Jena

O R D E R

(oral)

A.K.PATNAIK, MEMBER (JUDL.):

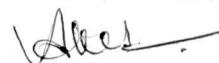
The facts as revealed from the pleadings of the Applicant are that his father while working as JTO, Bhubaneswar

Patnaik

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expired prematurely on August, 2002. Thereafter, applicant applied for appointment on compassionate ground. The authority of the BSNL made necessary enquiry. But after waiting long time he has received a letter dated 24.8.2012 in which his grievance for providing appointment on compassionate ground was rejected. It has been stated that as the said order of rejection was without any reason, he had sought the reason of rejection under RTI Act, 2005 but the CPIO denied providing such information. Hence by filing the present OA the applicant has sought to quash letter dated 24.8.2012 in which his prayer for appointment on compassionate ground was rejected and communicated to him and to direct the Respondents to provide him an appointment befitting to his qualification, on compassionate ground.

2. We have heard Mr. P.K.Behera, Learned Counsel for the Applicant and Mr.L.Jena, Learned panel Counsel for the BSNL and perused the records. The letter of rejection dated 24.8.2012 really does not bear any reason. But now question arises, if the applicant was not satisfied by the letter of rejection why he has not availed of the opportunity by way of making appeal/representation



to the next higher authority instead of invoking the provision under the RTI Act, 2005. However, this Tribunal lacks competence/jurisdiction to deal with the reply furnished under RTI Act, 2005 for which there is a separate provision which the applicant may avail, if so advised. In view of the discussions made above and as prayed for by Mr.Behera, Learned Counsel appearing for the Applicant liberty is granted to the Applicant to make a comprehensive representation to the next higher authority i.e. Respondent No.2 against the letter of rejection under Annexure-A/5, if so advised, within a period of fifteen days hence and Respondent No.2 is directed that if such a representation is made by the applicant within the time stipulated above, the same may be entertained, considered and disposed of and communicate the result of such consideration in a well-reasoned order to the Applicant within a period of 30(thirty) days from the date of receipt of such representation.

3. In the result, without expressing any opinion on the merit of the matter, with the observation and direction made above,



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this OA stands disposed of at this admission stage. Parties to bear their own costs.

4. As prayed for copy of this order along with OA be sent to the Respondent No.2 by post, for compliance, at the cost of the Applicant for which Mr.Behera, Learned Counsel appearing for the Applicant undertakes to submit the ~~required~~ postal requisites within seven days hence.


(R.C.MISRA)
Member(Admn.)


(A.K.PATNAIK)
Member (Judl.)