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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

**OA No.943 of 2013**

Cuttack, this the 20<sup>th</sup> day of January, 2014

CORAM

THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDICIAL)  
THE HON'BLE MR.R.C.MISRA, MEMBER (ADMN.)

.....

1. Smt. Kanchan Mazumdar, aged about 45 years, W/o. Late Haradhan Manumdar.
2. Sambhu Mazumdar, aged about 28 years, S/o. Late Haradhan Manumdar .  
(Both are of Mathasahi, PS-Chululiaganj, Dist. Cuttack)  
.....Applicants  
(Legal Practitioner – M/s.S.K.Nayak, S.K.Sahu, S.K.Baral)

**Versus**

1. General Manager, Bharat Sanchar Nigam Limited, At-Sanchar Bhawan-20, Ashoka Road, New Delhi-110001.
2. Divisional Engineer (Stores), BSNL, RTSD, Satyanagar, Bhubaneswar-7.  
.....Respondents  
(Legal practitioner: Mr.S.B.Jena)

**O R D E R (Oral)**

**A.K.PATNAIK, MEMBER (JUDICIAL):**

Copy of this OA has been served Mr.S.B.Jena, Learned panel Counsel of the BSNL who accepts notice for the Respondents. Registry is directed to serve notice, in terms of sub rule 4 of Rule 11 of the CAT (Procedure) Rules, 1987 for onward transmission.

2. Heard Mr.S.K.Nayak, Learned Counsel for the Applicant and Mr. S.B.Jena, Learned panel counsel and perused the records on



MA No. 915 of 2013 filed under Rule 4 (5) of the CAT (Procedure) Rule, 1988 (sic) 1987, MA No.916 of 2013 filed seeking condonation of delay in approaching this Tribunal belatedly as well as on the merit of the OA and perused the records. After hearing learned counsel for both sides, prayer made in MA No. 915 of 2013 seeking permission to file this OA jointly is allowed. MA is accordingly disposed of.

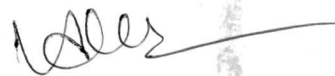
3. The prayer of the applicants in the OA is for a direction to Respondent No.2 to consider the representation dated 26.7.2013 pending before him and also to give appointment to the applicant No.2 in any class IV post pending under him. The prayer in MA No. 916 of 2013 is to condone the delay in filing this OA belatedly.

4. Mr.Nayak by drawing our attention to the materials placed on record, contended that the husband of the applicant No.1 and father of applicant No.<sup>2</sup> ~~1~~<sup>2</sup> while working in the Office of the Assistant Engineer, Telecom Department (who is not a party in this OA) as RM (Unskilled) breathed his last on 06.12.2003. Applicant No.2 applied to Respondent No.2 on 26.7.2013 for appointment on compassionate ground but till date the benefit has not been extended to him nor has he been communicated any reply on his representation. Mr.Nayak further contended that at the time of death of the employee the applicant was aged about 19 years. He has been approaching Respondent No.2 since 2004 for appointment on compassionate




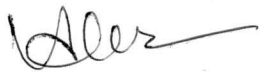
ground. Since the delay in filing appeal is not due to their willful latches rather than bona fide reason the delay be condoned.

On the other hand Mr.Jena vehemently opposed entertaining this OA by stating that appointment on compassionate ground is not an alternative <sup>method of</sup> appointment. The said scheme has been issued with a view to redeem the financial crisis caused to the members of the family after the death of the bread winner. It has been stated by him that except bald averment that applicant No.2 has been approaching Respondent No.2 since 2004 seeking employment on compassionate ground not a single paper has been annexed to the OA to the above extent. Further if at all any such application was made by him in 2004 no explanation has been given as to why he was kept silence for all these years. Further it has been contended by him that this Tribunal is not the appellate authority of the Respondent No.2. If the applicant submitted any such representation dated 26.7.2013 but no action was taken thereon he should have approached the next higher authority. Hence as per the provision made in Section 19 of the A.T. Act, 1985 this OA in the present form is not maintainable at all. Similarly, while opposing the stand taken in the MA No. 916 of 2013 in support of their prayer to condone the delay, Mr.Jena have prayed for dismissal of the OA as well as MA.



5. We have considered the rival submission of the parties and we agree with the contentions advanced by Mr. Jena that appointment on compassionate ground being not an alternative mode of employment we do not find any reason to entertain this OA at this belated stage. We find that the applicants are not vigilant and are indolent. We also do not see any justifiable reason to exercise the discretion to condone the delay in filing this OA especially when on merit we do not find any merit on the very relief sought in the OA. Hence both OA as well as MA No. 916 of 2013 are accordingly dismissed at this admission stage. There shall be no order as to costs.

  
(R.C. Misra)  
Member (Admn.)

  
(A.K. Patnaik)  
Member (Judicial)