

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

Original Application No. 108/2013

Jodhpur this the 16<sup>th</sup> October, 2014

CORAM

**Hon'ble Ms. Meenakshi Hooja, Member (Administrative)**

1. Ms Vandana Hans D/o late Shri Punam Chand Hans, Aged about 21 years.
2. Varun Hans S/o late Shri Punam Chand Hans, Aged about 17 years, through Natural Guardian (elder sister) Ms. Vandana Hans D/o Shri Punam Chand Hans.  
[Both by Caste-Harijan, Residing at Bandra Bas, Goga Mandi, Harijan Basti, Bikaner (Rajasthan). (Dependents of late Shri Punam Chand Hans, Ex-R.M. in the Office of D.E. (Administrative Officer), B.S.N.L., Jodhpur]

.....Applicants

By Advocate: Mr S.P. Sharma

**Versus**

1. Union of India through the Secretary, Department of Telecommunication, Sanchar Bhawan, New Delhi.
2. The Chief Managing Director, Bharat Sanchar Nigam Ltd., Statesman House, 12 Khamba Road, Janpath, New Delhi.
3. The Chief General Manager, Bharat Sanchar Nigam Ltd., Rajasthan Circle, Jaipur.
4. The General Manager (Telecom District), Bhara Sanchar Nigam Ltd., Subhash Nagar, Jodhpur.

.....Respondents

By Advocate : Mr S.K. Mathur

ORDER (Oral)

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



- a) By an appropriate order or directions, the respondents may very kindly be directed to consider the case of the applicants, for grant of compassionate appointment, on the death of their father late Shri Punam Chand Hans, under the scheme so framed by the Government of India and adopted by the respondents under relevant rules, and to accordingly consider name of applicant no. 2 for appointment on any of the posts, as per his eligibility criteria, stated in the biodata, so as to sustain their survival.
- b) **Or in alternate**, by an appropriate order or direction, the respondents may very kindly be directed to provide compassionate appointment to the applicant No. 1, in case, if the applicant no. 2 could not be offered appointment, being below the age of 18 years of age and accordingly application for compassionate appointment may kindly be directed to be entertained by the respondent-department, for applicant no. 1, which would be filed, in terms of direction of this Hon'ble Tribunal.
- c) Any other appropriate relief which this Hon'ble Tribunal deem just and proper in the facts and circumstance of the case may be passed in favour of applicant.

2. The brief facts of the case, as averred by the applicants, are that the mother of the applicants Smt. Indira expired when applicants were minor. Thereafter father of the applicants Shri Punamchand Hans a permanent employee of respondent-department holding post of regular Majdoor, got re-married with another lady and thrown out the applicant and their younger sister Ms Vinita from home and they were brought up by their grand-maternal father. That unfortunately father of the applicant died while in service, leaving behind the applicants and

their younger sister Ms Vinita as surviving dependents. Thereafter, the applicants submitted a representation dated 12.03.2012 whereby they prayed to the respondent No. 4 to provide compassionate appointment to the applicant No. 2 and to release family pension in favour of the applicant Ms Vandana and Ms Vinita but that was not responded too. The applicant also filed legal notice. Thereafter on 21.05.2010, the applicant No. 2 submitted an application-cum-representation alongwith his biodata and prayed to the respondent-department for grant of compassionate appointment to him and release family pension in favour of applicant No. 1 and her younger sister Vinita but no response was received from the respondents. Later another OA was filed jointly by the applicants and their younger sister Ms Vinita, registered as OA No. 258/2012. However, since the request of the applicants for compassionate appointment has not been considered by the respondents, hence, they have filed this OA.

3. In reply, the respondents have submitted that the applicants have given biodata of brother Varun Hans seeking appointment on compassionate grounds and admittedly the same relief was sought by Varun Hans in his OA filed before this Tribunal which was withdrawn with liberty to file fresh OA. It has been further submitted that all the applicants cannot be given appointment and moreover one Smt Puja Hans alleged second wife of deceased also moved the department claiming the appointment on compassionate grounds and has also filed OA before this Tribunal which is registered as 211/2013 and the



respondents have denied that the applicants are entitled to any relief and prayed for dismissal of the OA.

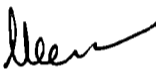
4. Heard both the parties. Counsel for the applicant submits that the applicant No. 2 Shri Varun Hans was about 17 years at the time of filing the OA and he is now 18 years old and his case for compassionate appointment on account of death of his father Shri Punamchand can be duly considered by the respondent-department looking to his indigent condition. Counsel for the applicant submits that the applicant No. 2 has already filed a representation in this regard on 21.05.2012 Annex. A/10 and siblings of late Shri Punamchand have no objection to his being considered for appointment on compassionate grounds.

5. Counsel for the respondents contended the while relationship of the applicant with the deceased is not disputed but Smt Pooja alleged wife of deceased Shri Poonam Chand has also sought appointment on compassionate grounds and has filed OA No. 211/2013 in this Tribunal.

6. Considered the rival contention of both the parties. It is apparent from the pleadings that the relationship of Shri Varun Hans as son of the deceased has not disputed and further the siblings of Shri Varun Hans have no objection if Shri Varun is considered for appointment on compassionate grounds. Further one Smt. Pooja has also filed an application for compassionate appointment. In view of the

above, it is proposed to dispose of this OA with certain directions. Accordingly, the respondents are directed to consider the case of Shri Varun Hans, the applicant No. 2 for appointment on compassionate grounds as per law, within 4 months from the date of receipt of this order. Further, in view of the reply filed by the respondents, they may also take an appropriate decision at their level regarding application filed by Smt Pooja.

7. In terms of the above directions, OA is disposed of with no order as to costs.

  
(MEENAKSHI HOOJA)  
Administrative Member

ss/