

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560038.

Dated: 24/7/93

APPLICATION NO(S) 146 of 1993.

APPLICANTS: **Minin F. Fernandez**

RESPONDENTS: **Chairmen, Telecommunication Board, New Delhi and Others.**

TO.

1. **Sri. M. Raghavendraschar, Advocate,
No. 1074 & 1075, Fourth Cross,
Sreenivasanagar IInd Phase,
Banashankari 1st Stage,
Bangalore-560 050.**
2. **Sri. M. S. Padmarajesh, Central Govt. Stng. Counsel,
High Court Building, Bangalore-560 001.**
3. **The Chief General Manager,
Telecommunications,
Karnataka Circle, No. 1,
Old Madras Road, Ulsoor,
Bangalore-8.**
4. **The District Telecom Officer,
Belgaum Dist. Belgaum.**
5. **The Chairman, Telecommunication Board,
Department of Telecommunication,
Ministry of Information & Public Relations,
New Delhi-110 001.**

Subject:- Forwarding of copies of the Order passed by
the Central Administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the
ORDER/STAY/INTERIM ORDER, passed by this Tribunal in the
above said application(s) on Second September, 1993.

For *[Signature]*
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 2ND DAY OF SEPTEMBER, 1993.

PRESENT:

Hon'ble Mr. Justice P.K. Shyamsundar, .. Vice-Chairman.

And

Hon'ble Mr. V. Ramakrishnan, .. Member(A)

APPLICATION NUMBER 146 OF 1993

Minin F. Fernandez,
S/o Francis Fernandez,
At and Post Kakki,
Pin Code No. 591 113,
Taluk and District Belgaum.

.. Applicant.

(By Sri M. Raghavendrachar, Advocate)

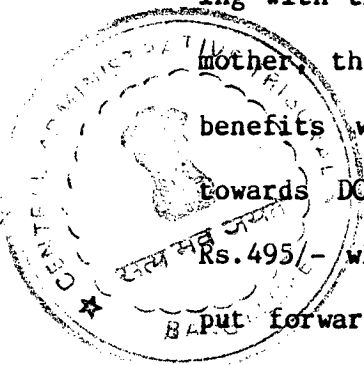
v.

1. The Chairman,
Telecommunication Board,
Department of Telecommunication,
Ministry of Communication,
Government of India,
New Delhi-110 001.
2. The Chief General Manager (Telecom),,
Maruthi, Gandhinagar,
Bangalore-560009.
3. The District Telecom Officer,
Belgaum District, Belgaum. .. Respondents.
(By Sri M.S. Padmarajaiah, Standing Counsel)

This application having come up for admission to-day after notice, Hon'ble Vice-Chairman made the following:-

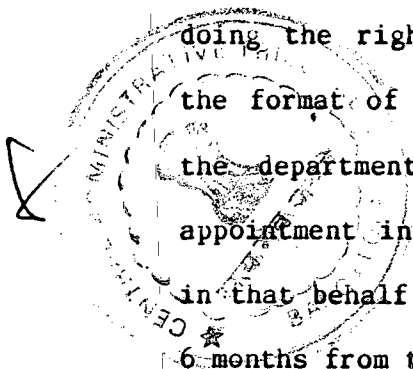
ORDER

This application is by the son of a deceased employee by name Francis Fernandez who at the time he died in 1988 was working with the department of telecommunications. The applicant's mother, the widow of the late Francis Fernandez got pensionary benefits which included the lumpsum payment of Rs.46,000=00 towards DCRG and CGEGIS etc. etc. and a monthly pension of Rs.495/- which has since been raised to Rs.582/-. The argument put forward on behalf of the department is notwithstanding the

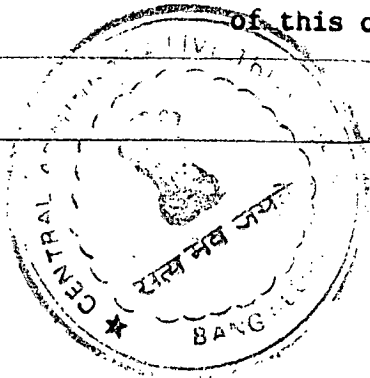


premature death of late Francis Fernandez, the family is not in a state of distress state having been the recipient of lumpsum payment of Rs.46,000=00 and a monthly pension of Rs.582/- which excluded Dearness Allowance. Be that as it may, we find one of the brother of the applicant Joni F.Fernandez staying with the widow of Francis Fernandez is also working with the respondents as casual Mazdoor on a monthly salary, according to the learned Standing Counsel, of Rs.968/-. These circumstances indicate that the family of late Francis Fernandez is not in such a state of doldrum as to require immediate assistance is the stand point of the department. That is the reason why they found it impracticable to induct the applicant into their service on compassionate grounds.

2. While we cannot say the rejection of the claim of the applicant for employment is so untenable as to warrant our interference, we however direct the department to take a second look at the claim of the applicant for employment in the department in whatever capacity. The fact remains the father had died and although consequent on his death the family did receive some benefits from the department including a monthly pension of few hundred rupees, we think that in these hard days the pensionary benefits etc. will not stretch far enough to enable the family to maintain itself in a reasonable comfort. If the department offers employment to the applicant, they would be doing the right thing and that is, if it can be done, within the format of the department. In these circumstances we direct the department to reconsider the case of the applicant for appointment in whatever capacity and make an appropriate order in that behalf. They must take a decision in this regard within 6 months from the date of this order.



3. Application is disposed off accordingly. Let a copy of this order be sent to the respondents as early as possible.



Sd
MEMBER(A)

Sd-
VICE-CHAIRMAN

TRUE COPY

N. Jeeves

22/9/93

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

REGISTERED

25 FEB 1994

No. 268-11/90-STN
Government of India
Department of Telecommunications
STN Section

New Delhi

Dated 24.2.94

To

The Chief General Manager,
Karnataka Telecom. Circle,
Bangalore - 560009.

Subject:

Appointment in relaxation of recruitment rules -
Case of Shri M.F. Fernandis, son of late Shri
F.S. Fernandis, Ex. S.I.

The undersigned is directed to refer to your office letter No. R&E/2-5/997 dated 4.1.94 on the subject mentioned above and to state that the Government have agreed as a Special Case and on compassionate grounds to the appointment of Shri M.F. Fernandis in Group 'C' (T.O.A. Basic Cadre) in relaxation of normal recruitment rules.

2. Shri M.F. Fernandis may be informed of the decision and further action taken for his appointment after observing the usual formalities. Necessary entries in the Service Book of the official may be made in this regard and his date of appointment may be intimated to this office in due course. This is a supersession to this office letter of even number dated 18.5.90.

*we may take n/a
at the earliest*

A.K. ARORA
(A.K. ARORA)
DIRECTOR (ST-I)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Miscellaneous Application No.135/94 in

Dated: **9 MAR 1994**

APPLICATION NO(s) 146 of 1993.

APPLICANTS: Minin F. Fernandez v/s RESPONDENTS: Chairman, Telecom Board,
New Delhi and Others.

TO.

1. Sri.M.Raghavendra Achar, Advocate,
No.1074 and 1075, Fourth Cross,
Srinivasanagar II-Phase,
Banashankari 1st Stage, Bangalore-50.
2. Sri.M.S.Padmarajaiah, C.G.S.C.
High Court Bldg, Bangalore-1

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.

-xxx-

Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 03-03-1994.

gm*

Olc
Issued on 9.3.94
Galy

for *S. Shankar*
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

Minin 5 Fernandez

- 6 -
N/A - Chairman Telecoms Bangalore, 20/1/94

Date	Office Notes	Orders of Tribunal
		<p><u>PKS(VC)/TVR(MA)</u> 3.3.1994</p> <p>Standing counsel tells us that in terms of the directions issued by this Tribunal, the Government has since taken a decision to appoint the respondent herein as a Gr.'C' official on compassionate ground and to issue necessary orders in that behalf. Now that the Government have in fact taken a decision to appoint the respondent, Shri M.F. Fernandez in a Gr.'C' position and have directed the department to issue necessary orders, we place on record the statement of learned counsel as above and also a copy of the Government letter referred to supra.</p> <p>In the light of the foregoing, we think it unnecessary to grant the request for extension of time to comply with the directions of the Tribunal since the same appears to have been complied with. We only hope the department will take steps to issue an order of appointment very early,</p> <p>Sd- MEMBER (A)</p> <p>Sd- VICE CHAIRMAN</p> <p>TRUE COPY</p> <p>S. Shanthar 9/3 CENTRAL ADMINISTRATIVE ADDITIONAL DEPT BANGALORE</p> 