

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

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

Dated: 18 NOV 1993

APPLICATION NO(s) 572 of 1993.

APPLICANTS: Shaik Murtuja v/s. RESPONDENTS: Ministry of Telecommunications and Others.

TO.

1. Sri.M.Raghavendra Achar,
Advocate, No.1074 & 1075,
Banashankari First Stage,
Mysore Bank Colony,
Opp:Raghavendra Nursing Home,
Bangalore-560 050.
2. The Chief General Manager,
Karnataka Telecom Centre,
No.1, Old Madras Road,
Ulsoor, Bangalore-560008.
3. Sri.G.Shanthappa,
Addl.Central Govt.Stng.Counsel,
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 08-11-1993.

gmlt

ofc
Receiv'd
Sd/nt
18/11/93

for

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

Dr. D. S.

18/11/93

CETRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

O.A. NO.572/93

MONDAY THIS THE EIGHTH DAY OF NOVEMBER 1993

Shri Justice P.K. Shyamsundar ... Vice-Chairman

Shri V. Ramakrishnan ... Member [A]

Shaik Murtuja,
S/o Shaik Jan Saheb,
Major,
C/o Smt. Fathima Bee,
Near Boys Remand Home,
Devinagar, Bellary.

... Applicant

[By Advocate Shri M.R. Achar]

v.

1. The Union of India
Ministry of Communications,
Telecommunication Department,
New Delhi.

2. The Chief General Manager,
Department of Telecommunications,
Maruthi Complex,
Bangalore.

3. The Telecom District Engineer,
Bellary Division, Bellary.

... Respondents

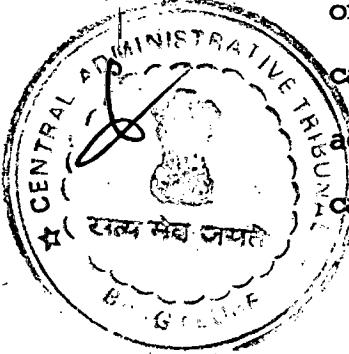
[By Advocate Shri G. Shanthappa
Standing Counsel]

O R D E R

Shri Justice P.K. Shyamsundar, Vice-Chairman:

1. Admit. We propose to dispose off this application at the admission stage itself now that we have heard the learned standing counsel.

2. This application is all about the refusal of the department to give a job to the applicant. One Shaik Jan Saheb, father of the applicant died in harness in 1983. At that time the applicant was a minor. It is not denied that the applicant came of age only very recently and it is only thereafter that the applicant's mother and the applicant made applications for obtaining



a job on compassionate grounds. It is supposed d to have been considered by a High Power Committee ['HPC' for short] and rejected for thereasons stated in per Annexure A-3. We have seen Annexure A-3 and find that from the claim for compassionate appointment is rejected on the ground that, it is delayed and that one son of the deceased was already employed. Both the grounds appear to be untenable. The first son is now in the department and he got an appointment according to recruitment rules and his was not a compassionate appointment. It appears that the department was prepared and actually offered a job to the widow of the deceased but that lady declined being a pardashin lady. Then an attempt was made to get the nephew of the lady appointed which of course was correctly denied as her nephew could not be considered the next of kin of the deceased.

3. The applicant came of age after a long interval and an attempt is now made to seek fruitful employment for the applicant on compassionate grounds.

4. We see from the statement furnished to us that the retiral benefits due to the deceased is quite meagre and we can readily say that it is not enough to sustain the widow and his children including the applicant. This is a fit case in which the HPC should have taken a pragmatic view of the situation and found its way in making an order of appointment in favour ^{of} _^ the applicant on compassionate grounds. The circumstance that the first son of the deceased being in employment is no reason at all because that person had got the appointment on his own and without reference to the bereavement suffered by the family. The second ground is about the belatedness. This ground again is untenable because all these years the applicant was a minor and could not

be employed at all. The case for appointment would be materially considered only after the applicant had attained majority. It is not denied that he became a major only recently and, therefore, in a position to pursue his candidature for appointment on compassionate ground. In the circumstances both the reasons set out by the HPC for rejecting the application of the applicant are untenable. We, therefore, quash impugned order at Annexure A-3 and direct the HPC to reconsider the case of the applicant in a pragmatic way and pass appropriate orders in that behalf keeping in view the observations herein. Let a copy of this order be forwarded to the respondents. The respondents to pass appropriate orders within six months of receipt of this order.

Sd —

Sd —

MEMBER[A]

VICE-CHAIRMAN



TRUE COPY

M. Deek
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

18/4/93