

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET
ORDERS OF THE TRIBUNAL

05.03.2013

TA No. 02/2012 (CWP 3318/2012)

Mr. Prashant Gupta, counsel for applicant
Mr. T.P.Sharma, counsel for respondents

Heard the learned counsel for the parties.

The TA stands disposed of by a separate orders for the
reasons dictated therein.


(JUSTICE K.S.RATHORE)
Judl. Member

R/

THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR

Tuesday, this the 5th day of March, 2013

T.A. No. 02/2012 (CWP No.3318/2006)

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)

Narendra Singh Tanwar
s/o late Shri Bhanwar Singh Tanwar,
aged about 35 years,
r/o 78/42, Arawali Marg,
Near Sharma Gas Service,
Shipra Path, Mansarovar,
Jaipur

.. Applicant

(By Advocate : Mr. Prashant Gupta)

Versus

1. Bharat Sanchar Nigam Limited,
Rajasthan Telecom Circle,
Sardar Patel Marg, Jaipur
Through its Chief Manager,
Telecommunication.

.. Respondents

(By Advocate: Mr. Tej Prakash Sharma)

ORDER (ORAL)

The applicant preferred S.B. Civil Writ Petition No. 3318/2006
before the Hon'ble High Court and vide order dated 9.1.2012 the



Hon'ble High Court transferred the said Writ Petition, which is registered in this Tribunal as T.A. No.2/2012.

2. In the present T.A. the applicant has prayed that by an appropriate order or direction, the respondents be directed to provide compassionate appointment to the applicant after taking note of his applicability with all consequential benefits.

3. Brief facts of the case are that the applicant's father late Shri Bhanwar Singh was working as S.T.M.(O) at Amba Bari and died while in service. The applicant being eldest son amongst other family members, moved an application for grant of compassionate appointment on 6.10.2003, but even after pursuing the matter with the respondents, the applicant could not get the relief and compassionate appointment was denied to him on wrong premise that the family is having a plot measuring 300 sq. ft. where the applicant is said to be residing and that the family is in receipt of Rs. 3,35,406 on the death of the deceased employee and the family is getting family pension to the tune of Rs. 5250/- per month. The deceased left behind wife, two sons (one married and one major) and two daughters (one married and one major).



4. Having considered the rival submissions of the respective parties and upon perusal of the material available on record, the prayer of the applicant is that his case may be reconsidered by the respondents and to this effect, he will submit a representation afresh. In such, eventuality, leaving aside the facts narrated hereinabove, I deem it proper that if the applicant files fresh representation seeking compassionate appointment, the respondents are expected to consider representation of the applicant and if the applicant is otherwise found suitable for appointment as per rules, he may be considered for compassionate appointment, as according to the applicant, the family is facing hardship since 2003.

5. In view of above, the applicant is given liberty to file fresh representation before respondents within 15 days and after receipt of the representation, it is expected from the respondents/Committee so constituted to consider the representation of the applicant expeditiously, but in any case not later than a period of three months from the date of receipt of the representation and the decision so taken be communicate to the applicant. If any adverse or prejudicial order is passed by the respondents, the applicant is at liberty to file a substantive OA for redressal of his grievance.

A handwritten signature in black ink, appearing to read 'R.C.' followed by a stylized surname.

6. With these observations, the OA stands disposed of with no order as to costs.

K.S.Rathore
(JUSTICE K.S.RATHORE)
Judl. Member

R/