

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00936/2016

Wednesday, this the 11th day of April, 2018

CORAM:

Hon'ble Dr. K.B. Suresh, Judicial Member

Syama Sasi,
D/o. Late Pushpa K. Sasi,
Edathara House, Thonniyakavu P.O.,
North Paravur, Ernakulam District.

..... **Applicant**

(By Advocate – Mr. P. Ramakrishnan)

V e r s u s

- 1 The Bharat Sanchar Nigam Limited,
Represented by its General Manager (Personnel),
Corporate Office, 5th Floor, Bharat Sanchar Bhawan,
Janpath, New Delhi – 110 001.
- 2 The Chief General Manager Telecom,
Kerala Circle, Thiruvananthapuram – 695 033.
- 3 The Union of India,
Represented by the Secretary,
Ministry of Personnel, Public Grievances and Pension,
Department of Personnel and Training,
New Delhi – 110 001. **Respondents**

**(By Advocate – Mr. V. Santharam (R1&R2)
Mr. P.G. Jayan, ACGSC (R3))**

This Original Application having been heard on 11.04.2018, the Tribunal on the same day delivered the following:

O R D E R

Per: Dr. K.B. Suresh, Judicial Member

Heard. The matter relates to compassionate appointment of a minor whose cause arose when she was one year old. Under the law of land she can

apply only when she attain majority which she apparently done. On the point of belated request, a negative point of 35 is tacked on to her otherwise she would have got 60 points which is above the minimum points for consideration. The stand taken by the respondents is unfortunate in the extreme and quiet illegal. I hereby declare that the applicant is eligible to be considered along with suitable others but in view of the delay in consideration and the manner of consideration I impose a cost of Rs. 50,000/- on the respondents to be paid to the applicant. It is very trite law that during minority nobody can apply for an employment and period of minority is to be excluded. This is a basic fundamental of law. If the respondent was not aware of the situation then they can only blame their own legal department. The cost to be paid within one month. The applicant will be eligible to be considered within the next one month and if she found eligible in any of the year from the period she attained 18 years till now then she will be given an appointment even if it has to be on a supernumerary basis. OA allowed. No costs.

**(DR. K.B. SURESH)
JUDICIAL MEMBER**

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List of Annexures of the Applicant

Annexure A-1	-	True copy of the death certificate of Pushpa K. Sasi dated 01.03.1995 issued from the Corporation of Cochin.
Annexure A-2	-	True copy of the legal heirship certificate dated 28.04.2011 issued from the Taluk Office, Paravur.

Annexure A-3 - True copy of the service particulars of Smt. Pushpa K. Sasi.

Annexure A-4 - True copy of the application for compassionate appointment submitted by the applicant dated 20.11.2010.

Annexure A-5 - True copy of the certificate dated 25.06.2011 issued from the Taluk Office, Paravur.

Annexure A-6 - True copy of the medical certificate dated 18.07.2011, issued from the Taluk Head Quarters Hospital, North Paravur.

Annexure A-7 - True copy of the income certificate dated 21.02.2012 issued from the Taluk Office, Paravur.

Annexure A-8 - True copy of the death certificate of K. Sasi dated 14.06.2012 issued from the Corporation of Cochin.

Annexure A-9 - True copy of the Pension Payment Order dated 11.04.2013 issued from the Department of Telecom.

Annexure A-10 - True copy of the intimation letter dated 23.05.2016 of the National Commission for Scheduled Castes.

Annexure A-11 - True copy of the rejection order No. R&E/ENK-60/SS/26 dated 19.04.2016 of the 1st respondent.

Annexure A-12 - True copy of the guidelines dated 27.06.2007 issued by the 1st respondent.

Annexure A-13 - True copy of the office memorandum dated 16.01.2013 along with scheme for compassionate appointment issued by the 3rd respondent.

List of Annexures of the Respondent Nos. 1 & 2

Annexure R1(a) - True copy of the letter No. 14014/6/94-Estt (D) dated 09.10.1998 issued by the Ministry of Personnel, Public Grievances & Pension, Department of Personnel and Training.

Annexure R1(b) - True copy of letter No. 273-18/2005-Pers. IV dated 27.06.2007.

Annexure R1(c) - True copy of letter No. 268-79/2002-Pers.IV dated 27.12.2006.

Annexure R1(d) - True copy of the letter dated 18.03.2015 addressed to the Commission.

Annexure R1(e) - True copy of the letter dated 30.04.2016.

Annexure R1(f) - True copy of the check list.
