

**Central Administrative Tribunal
Madras Bench**

MA/310/00177/2018 (in)(&) OA/310/00437/2018

Dated Monday the 9th day of April Two Thousand Eighteen

P R E S E N T

Hon'ble Mr. R.Ramanujam, Member(A)

T.Vigneswaran
S/o late Thangam,
202, Mariammal Koil Street,
Valanthalaravai,
Ramanathapuram District. .. Applicant

By Advocate **M/s.S.B.Kumarasamy**

Vs.

1. The General Manager,
Bharat Sanchar Nigam Ltd.,
Karaikudi,
Sivagangai District.
2. The Assistant General manager(HR/ADMN),
O/o General Manager,
Bharat Sanchar Nigam Ltd.,
Karaikudi,
Sivagangai District. .. Respondents

By Advocate **Mr.K.Anbarasan**

ORAL ORDER

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard. The applicant has filed this OA seeking the following reliefs:-

- “a) To call for the records of the order of the 2nd respondent in No.Q/T.V/2011-2014/06 dated at KKD the 27.6.2013 and quash the same as erroneous, illegal, unconstitutional and void;
- b) Pass such further or other orders as this court deem fit and proper and render justice.
- c) Direct the respondents to issue a compassionate appointment to the applicant.”

2. Learned counsel for the applicant submits that the applicant's request for compassionate appointment had been rejected by Annexure A4 communication dated 27.6.2013 to the effect that the applicant had secured less than 55 net points and, therefore, he could not be considered for compassionate appointment. It is submitted that the 2nd respondent while passing the impugned order failed to disclose the manner in which the evaluation was done and, therefore, the rejection was against the principles of natural justice.

3. Learned counsel for the respondents objects to the filing of the OA with a delay of 1736 days and submits that the OA was liable to be dismissed on this ground alone. However, learned counsel for the applicant would argue that the DoPT had dispensed with time limit for compassionate appointment. Even rejected cases could be taken up again. Accordingly, the delay in the matter could not be held against the applicant.

4. I have considered the matter. As there is no time limit for considering cases for compassionate appointment as per DoPT instructions, it is not possible to dismiss the OA on this ground alone. However, learned counsel for the applicant would submit that the applicant wished to collect more information in regard to the manner of assessment of the financial condition of his family. Accordingly, the applicant would be satisfied if he is granted liberty to obtain requisite information under RTI Act and, thereafter, challenge the impugned order, if dissatisfied.

5. Keeping in view the limited relief sought and without going into the substantive merits of the claim, the MA for condonation of delay of 1736 days in filing the OA is allowed and delay is condoned. The applicant is granted liberty to seek the requisite information from the respondents under the RTI Act and if aggrieved, thereafter file a fresh OA if so advised.

6. OA is disposed of with the above direction. No costs.

(R.Ramanujam)
Member(A)
09.04.2018

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