

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD**

**MA/020/154/2018 &
MA/020/155/2018**

Date of Order: 30.08.2018

in
OA/20/246/2018 &
OA/20/246/2018

Between:

1. Boni Sanyasamma,
W/o. Chinna, aged 56 years,
Occ: House Wife, R/o. D.No.29-754,
Near Railway Gate, Punyagiri Road,
Srungavarapu Kota Village & Mandal,
Vizianagaram District,
Andhra Pradesh.
2. Boni Uma Maheswari,
D/o. Late Chinna,
Aged 28 years, Occ: Unemployed,
R/o. D.No.29-754,
Near Railway Gate, Punyagiri Road,
Srungavarapu Kota Village & Mandal,
Vizianagaram District,
Andhra Pradesh.

... Applicants

AND

1. Union of India rep. by its
Secretary,
Ministry of Communication,
Dept. of Telecommunications,
Sanchar Bhavan, 20, Ashoka Road,
New Delhi – 110 001.
2. The High Power Committee,
Bharat Sanchar Nigam Limited,
Corporate Office, 5th floor,
Bharat Sanchar Nigam Bhawan,
Harish Chandra Mathur Lane, Janpath,
New Delhi – 110 001 rep. by its
Director (HR).
3. The Chief General Manager,
Bharat Sanchar Nigam Limited,
Andhra Pradesh Telecom Circle,

BSNL Bhavan, Chuttugunta,
Vijayawada – 520 004.

4. The Assistant Director (Staff-I),
O/o. Chief General Manager,
Bharat Sanchar Nigam Limited,
Andhra Pradesh Circle,
BSNL Bhavan, Chuttugunta,
Vijayawada – 520 004.
5. The General Manager,
Vizianagaram Telecom District,
Bharat Sanchar Nigam Limited,
Vizianagaram, A.P.

... Respondents

Counsel for the Applicants : Mr. C.B. Adarsh Kumar
Counsel for the Respondents : Mrs. K. Rajitha, Sr. CGSC.

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDL. MEMBER

ORAL ORDER

{ Per Hon'ble Mr. Justice R. Kantha Rao, Judl. Member }

Heard Shri C.B. Adarsh Kumar, learned counsel appearing for the Applicants and Smt. K. Rajitha, learned Senior Standing Counsel appearing for the Respondents.

2. The Respondents did not file any counter in M.A. But the learned Standing Counsel for the Respondents opposed to condone the delay.

3. The brief facts essential to consider the MA may be stated as follows:

The 1st Applicant is the wife and the 2nd Applicant is the daughter of the deceased employee late Shri Chinna, who expired on 17.5.1998

while in service as a Technical Supervisor, leaving behind the Applicants 1 & 2 as his legal representatives. Sometime after the death of the deceased employee, the 1st Applicant who is his wife, submitted an application to the Respondents to provide her suitable employment on compassionate grounds. The Respondents by order dated 15.7.2003, informed the 1st Applicant that her case has been examined by the High Power Committee which met on 3.6.2003 and it has been decided in the Meeting of the Committee to reject the request of the 1st Applicant for appointment in relaxation of Recruitment Rules. Thereafter, according to the learned counsel appearing for the Applicants, some representations were made to re-consider the issue but they were not considered. By then, according to the learned counsel for the Applicants, the 2nd Applicant was a minor and, therefore, she could not immediately make any representation to the Respondents to consider her case for appointment on compassionate grounds. However subsequently, according to the learned counsel, the 2nd Applicant submitted some representations to the Respondents requesting them to provide appointment on compassionate grounds, but there was no response from the Respondents. Therefore, both the Applicants filed the present O.A.

4. In the present O.A., the Applicant sought to quash the rejection order dated 15.7.2003 issued by Respondent No.4 and also direct the Respondents to consider the applications of the Applicants for compassionate ground appointment afresh, if found suitable. However, the learned counsel prays that now the Applicants are seeking compassionate appointment only for the 2nd Applicant.

5. Obviously, the order dated 15.7.2003 was sought to be set aside in the present O.A. filed in the year 2018. Therefore, they sought to condone the delay of 14 years 7 months and 20 days. The explanation offered by the Applicants as to the delay is that as on the date of rejection order, the 2nd Applicant was minor and, therefore, they did not make appropriate representation within a reasonable time. As per the cause title, the 2nd Applicant's age is 28 years. According to the Applicants, the 2nd Applicant attained majority around 2009-10. It is the version of the Applicants that after attaining the majority, the 2nd Applicant made a representation to the Respondents to provide her appointment on compassionate grounds.

6. Before deciding the issue relating to limitation, the nature and purpose of compassionate appointment has to be examined. The object of compassionate appointment is to assist the family of the deceased employee from getting over the sudden crisis which the family of the deceased faced on account of his death while in service. Therefore, strictly speaking, for the purpose of considering for compassionate appointment, the circumstances existing on the date of death of the deceased have to be examined. The present O.A. is filed to set aside an order which was passed as far back as on 15.7.2003. The learned counsel for the Applicants contends that still the family of the Applicants is under indigent circumstances and, therefore, there is no prohibition for granting compassionate appointment to the 2nd Applicant by the Respondents. Now the point for consideration is whether the delay of 14 years 7 months and 20 days can be condoned in the instant case.

7. The main relief is to quash and set aside the rejection order dated 15.7.2003. The other relief is to direct the Respondents to provide compassionate appointment to the 2nd Applicant. The 2nd Applicant attained majority about 9 years ago and subsequently she made representations to the Respondents to provide compassionate appointment. Section 21 of Administrative Tribunals Act provides limitation for the Applications made before the Tribunal. It lays down that for redressal of the grievance, an application has to be made within one year from the date on which the final order has been passed. It is also further explained that where an appeal or representation in relation to the grievance is made and a period of six months had elapsed thereafter without final order having been made within one year from the date of expiry of the said period of six months, the Tribunal shall not admit the application. The Tribunal however under Sub section 3, in its discretion, can condone the delay in making the application if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within said period.

8. In the instant case, the delay of 14 years 7 months and 20 days in respect of the Applicant No.1 & around 9 years in respect of the Applicant No.2 constitute inordinate delay. The said delay has not been properly explained. Making of successive applications does not save the limitation. Even if no rejection order had been passed, within the period specified under Section 21 of the Administrative Tribunals Act it is deemed to have been rejected and the Tribunals shall not admit an application in respect of the grievance under rejection.

9. In the instant case, the applicants have not shown sufficient cause for condonation of inordinate delay which is indicated in the foregoing paragraphs and, therefore, I see no valid ground to condone the delay. Hence, the M.A. is dismissed and in consequence thereof the O.A. is rejected. MA/20/155/2018 stands closed. No order as to costs.

(JUSTICE R. KANTHA RAO)
JUDL. MEMBER

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