

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

OA.No./20/36/2017

Dated: 19/7/2018

BETWEEN:

Allu Kameshwara Rao,
S/o.Allu Bapaiah,
Aged about 23 years,
Occ: Unemployee,
R/o/ C/o. Allu Nooka Ratnam,
Opp. Co-Operative Bank,
Nagulapalli Village Via Anakapalle,
Munagapaka Mandal,
Visakhapatnam District.

..... Applicant

AND

1. The Bharat Sanchar Nigam Limited rep. by its
Chairman and Managing Director,
Bharat Sanchar Bhavan,
Harish Chandra Mathur Lane,
Janpath, New Delhi – 110 001.
2. The Chief General Manager (Telecom)
Bharat Sanchar Nigam Limited,
A.P. Circle, Hyderabad.
3. The Chief General Manager (Telecom),
Bharat Sanchar Nigam Limited,
A.P. Circle, 4th Floor, BSNL Bhavan,
Vijayawada – 520 004.
4. The General Manager,
Bharat Sanchar Nigam Limited,
Visakhapatnam.
5. The Controller of Communication Accounts,
Department of Telecommunications,
A.P. Telecom Circle, Door Sanchar Bhavan,
Hyderabad.

..... Respondents

Counsel for the Applicant : Mr. D. Ramakrishna, Advocate
Counsel for the Respondents : Mrs. K. Rajitha, Sr. CGSC
: Mrs. P. Yasasvi, SC for BSNL

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Hon'ble Mr. Justice R. Kantha Rao, Judicial Member

ORAL ORDER

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

Heard Mr. D. Rama Krishna, learned counsel appearing for the applicant and Mrs. Deepika representing Mrs. P. Yasasvi, learned Standing counsel for the Respondents No.1 to 4.

2. The father of the applicant was working as RM (Regular Mazdoor) Munagapaka Exchange under the control of Anakapalle SDE (Groups). While discharging his duties, he died on 08.04.2011 leaving behind him the applicant (son), his wife and mother as his legal heirs. The mother of the applicant has been receiving family pension. According to the applicant except the family pension received by his mother, no other benefits were granted by the department to their family. The mother of the applicant filed an application before the Joint Commissioner of Labour for payment of compensation. The Joint Commissioner vide order dated 10.08.2016 directed the BSNL to deposit an amount of Rs.6,65,160/- towards compensation by way of Demand Draft. But the BSNL challenged the said order by filing Writ Petition No. 30624/2016 before Hon'ble High Court at

Hyderabad and the High Court set aside the order of the Joint Commissioner and directed the Commissioner to pass orders afresh after giving liberty to the parties to make their submissions. The case is still pending and, therefore, the family of the applicant did not receive any compensation. The applicant submitted a representation to the General Manager, Visakhapatnam District on 06.02.2014 seeking compassionate appointment but no decision has been taken by the Respondents. Aggrieved by the action of the respondents in not considering the case of the applicant for compassionate appointment, he filed the present OA. He sought a direction to the respondents to consider his case for compassionate appointment in terms of Circular dated 05.02.2016 issued by the BSNL.

3. Respondents have filed reply statement. Besides the said reply statement, Respondent No.5 filed a separate reply statement. It is contended by the respondents that the death of the father of the applicant did not occur on account of the accident which happened during the course of employment and according to the respondents the death is on account of negligence of the applicant's father himself. After receiving injuries in the accident he was admitted in Care Hospital and ultimately died on 08.04.2011 while undergoing treatment. It is contended by the respondents that the applicant is not entitled for Compassionate Ground Appointment since the death of the father was not due to the accident occurred in the course of his employment. Thus the respondents contended that the applicant is not entitled for any compassionate appointment. For the disposal of the OA, it is necessary to peruse the letter of General Manager

Telecom District Vishakapatnam dated 24.08.2015. The letter reads as follows:-

“Sri Allu Kameswara Rao, son of Late Sri. Allu Bapayya, Ex-R.M Visakhapatnam requested for appointment on compassionate grounds in Relaxation of Recruitment Rules. The particulars in Part-A proforma furnished by the candidate after verification by the Welfare Officer and duly attested and after verification of the terminal benefits by A.O.(CA) office of the General Manager Telecom District, Visakhapatnam is forwarded herewith for consideration in Circle Office.

The Part-B proforma duly filled in all the columns is also sent herewith. The recommendations of the General Manager Telecom District, Visakhapatnam are at column-IV of Part- B. ”

Though the respondents contended that the applicant is not entitled for compassionate appointment, the letter dated 24.08.2015 sent by the office of the General Manager Telecom District, Visakhapatnam to the Assistant Director clearly indicates that the respondents sought for the relevant documents from the applicant for processing his application for compassionate appointment. Therefore, obviously the request of the applicant for compassionate appointment is not rejected but is under consideration.

4. In view of the above, the Respondents No. 1 to 4 are directed to consider the case of the applicant for compassionate appointment and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of the order. The OA is allowed. There is no order as to costs.

(JUSTICE R. KANTHA RAO)
JUDL. MEMBER

Dated the 19th July, 2018
(Dictated in the Open Court)

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