

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

**Original Application No.290/00215/17
With
Miscellaneous Application No. 290/00174/17**

Jodhpur, this the 29th October, 2018

CORAM

Hon'ble Smt Hina P. Shah, Judicial Member

Yashpal Panwar S/o Shri Shyam Sundar Panwar, aged about 30 years, resident of Near Baba Ramdev Tiles Factory, I.A. Rani Bazar, Bikaner (Raj).

[Father of the applicant Shri Shyam Sunder Panwar was working as Sr. T.O.A. (P) at B.S.N.L., Bikaner]

.....Applicants

By Advocate : Mr Anirudh Purohit.

Versus

1. Bharat Sanchar Nigam Limited, through its Chief Managing Director, Harish Chandra Mathur Lane, Janpath, New Delhi.
2. Assistant General Manager, Administration, Public H.R., O/o G.M.T.D., B.S.N.L. Publich Park Compound, Bikaner.

.....Respondents

By Advocate : Mr. Kamal Dave.

ORDER (Oral)

The present Original Application has been filed U/s 19 of the Administrative Tribunals Act, 1985 by Mr Yashpal Panwar seeking compassionate appointment as his father Shri Shyam Sundar Panwar died on 23.09.2008 while working on the post of Sr. TOA (P) in the respondent-department (BSNL).

2. It has been averred in the Original Application that mother of the applicant made an application before the respondents that

application for compassionate appointment filed by the applicant may not be considered and she herself wants to be considered for compassionate appointment. However, her application was rejected vide order dated 04.10.2012 (Annex. A/3) stating therein wrong facts. Thereafter, mother of the applicant suffered from serious illness of cancer and this added to the hardship of the family. In these changed circumstances, the applicant applied for compassionate appointment alongwith affidavit of his mother and sister stating therein that compassionate appointment may be granted to the applicant.

3. During course of hearing, learned counsel for respondents submitted that though mother of the applicant applied for appointment on compassionate grounds to increase the probability of getting the same but soon thereafter she suffered serious illness of cancer. The candidature of mother of the applicant was rejected vide order dated 04.10.2012 (Annex. A/3) stating therein wrong facts that she has two son whereas factually deceased employee was survived by wife, one son and one daughter. In order to mitigate the hardship as she suffered from Cancer, she filed an affidavit in favour of the applicant that he may be granted appointment on compassionate grounds. However, the respondents did not respond to several representations filed by the applicant. He thus submitted that the applicant would be

satisfied if a time bound direction is issued to the respondents to consider the case of the applicant for appointment on compassionate grounds as the mother of the applicant is suffering from cancer and the family is facing serious hardship to maintain itself.

4. Recording the above submission, I deem it appropriate to dispose of this OA. with a direction to the applicant to file fresh representation to the respondents alongwith documentary material pertaining to the illness of his mother and thereafter, respondents shall pass a reasoned and speaking order on the said application..

5. In view of the above, while keeping the merits of the issue open, applicant is directed to file fresh representation within two weeks from the date of receipt of a copy of this order, stating therein all the hardship faced by his family. The respondents shall thereafter dispose of such representation within 04 weeks' from the date of receipt of the same by passing a reasoned speaking order. Thereafter, if any grievance remains to the applicant, he may approach appropriate forum.

6. In terms of above directions, OA is disposed of. No costs.

[Hina P. Shah]
Judicial Member

Ss/-