



O.A.No. 350/624/2016  
M.A.No. 350/172/2016

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH, KOLKATA

PARTICULAR OF THE APPLICANTS:

- (1) Milan Bera, son of Late Anukul Chandra Bera, aged about 28 years, residing at Village - Kantageria, Post Office - Jakpur, District - Paschim Midnapur, Pin Code No. 721309
- (2) Somita Bera, W/o Late Anukul Chandra Bera, aged about \_\_\_\_\_ years, residing at Village - Kantageria, Post Office - Jakpur, District - Paschim Midnapur, Pin Code No. 721309

..... APPLICANTS

V E R S U S -

- I. The Union of India, through the Secretary, Department of Telecommunication Government of India, Sanchar Bhawan, New Delhi 1
- II. Chairman, Bharat Sanchar Nigam Limited, 5<sup>th</sup> Floor, BSNL, Janpath, New Delhi I
- III. Chief General Manager, BSNL, 1, Council House Street, Kolkata 700 001
- IV. Assistant General Manager, BSNL, 5<sup>th</sup> Floor, BSNL, Janpath, New Delhi 1

..... RESPONDENTS

*Handwritten signature and date: 26/11/17*

O.A.No.350/624/2016  
M.A.No.350/172/2016

Coram : Hon'ble Mr. Sushanta Kumar Pattnaik, Judicial Member

Hon'ble Dr.(Ms.) Nandita Chatterjee, Administrative Member

For the applicant : Ms. P. Mondal, counsel  
For the respondents : Mr. R. Mukherjee, counsel

**ORDER(ORAL)**

Heard on : 26.07.2017

Order on : 26.07.2017

**Mr. S.K. Pattnaik, Judicial Member**

The applicants have filed this O.A.No.350/624/2016 under Section 19 of Administrative Tribunals Act, 1985 for compassionate appointment. They have also filed M.A.No.350/172/2016 for condonation of delay in filing the present O.A. in 2016.

2. Heard ld. Counsel for both sides on M.A.
3. It appears that the rejection order for compassionate appointment was passed on 15.12.2011(Annexure M/1 to the M.A.) The ground advanced by the applicants is that they were not served with the copy of the rejection order immediately after passing of the order and they received the copy of the order only on 31.01.2015.
4. Admittedly, the husband of the applicant No.2 died on 18.11.2000 while in service under the respondents and according to the applicants, the applicant No.1 applied for appointment on compassionate ground in 17.10.2001. It has been averred in the O.A. that the applicant No.1 had received a letter dated 31.01.2015 from the respondents wherein he was informed about rejection of his prayer for compassionate appointment issued vide letter dated 15.12.2011. Even though

*Sushanta Kumar Pattnaik*  
26/7/17

the applicants have pleaded that they were not aware of the rejection order, their plea cannot be accepted at such a belated stage. They could have pursued their case earlier, but they remained silent for such a long time even after 2011 and preferred to file this O.A. only in 2016. When the family survived for all these years after death of the bread winner, there is no urgency after a decade. Therefore, there is no justifiable ground to condone the delay in filing the O.A. The rejection letter dated 15.12.2011(Annexure M/1 to the M.A.) is very specific that the applicant could earn only 50 points and having total points below 55 his case for compassionate appointment could not be sent to the Circle High Power Committee for consideration. There is nothing wrong in the impugned order dated 15.12.2011(Annexure M/1 to the M.A.) calling for interference and it cannot be reopened for scrutiny in an O.A. filed in 2016 .

5. Hence the M.A. is rejected. As the prayer for condonation of delay in filing the O.A. is not allowed, the O.A. is also dismissed on the ground of being a stale claim and barred by limitation.

6. No order as to cost.

26/1/17  
(Dr. Nandita Chatterjee)  
Administrative Member

sb

(Sushanta Kumar Pattnaik)  
Judicial Member