

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, 234/4 A.J.C Bose Road Nizam Palace Kolkata



ORDER SHEET

COURT NO. : 1

07.08.2018

O.A./350/1011/2018

M.A./350/508/2018

(MENTIONED) (SB)

ITEM NO:3

FOR APPLICANTS(S) Adv. : Mr. B. Chatterjee

FOR RESPONDENTS(S) Adv.: Ms. C. Mukherjee

SOMA SENAPATI & ANOTHER

-V/S-

BHARAT SANCHAR NIGAM LTD



Notes of The Registry	Order of The Tribunal
	<p>This O.A has been filed under Section 19 of the Administrative Tribunals Act, 1985, challenging the order dated 06.04.2018, passed by Assistant General Manager (R&E) Bharat Sanchar Nigam Limited, Calcutta Telephones, by which the application for compassionate appointment of the applicant has been rejected only on the ground that the married daughter cannot be treated as wholly dependent on the employees as per the order dated 14.06.2016, passed in BSNL, Co. New Delhi order No. 268-24/2002-pers.IV.</p> <p>2. In the O.A, the applicants have prayed for the following reliefs:</p> <p>"a. This Hon'ble Tribunal be pleased enough to set aside the order of rejection dated 06.04.2018 as annexed in annexure "A/4" of this Original Application.</p> <p>b. This Hon'ble Tribunal be pleased to direct the respondents, specially the Bharat Sanchar Nigam Limited to issue letter of appointment in favour of the applicant, who seeks appointment on compassionate ground in the respondent Nigam.</p> <p>c. Any other relief which the Tribunal feels appropriate and sufficient in the circumstances of the case with appropriate costs of this proceedings."</p> <p>3. The applicants have also filed an M.A. No. 350/508/2018 seeking permission of this Tribunal to move the O.A jointly under Rule 4(5)(a) of the CAT (Procedure) Rules, 1987.</p> <p>4. Heard Id. counsel Mr. B. Chatterjee for the applicant. It appears that the applicants have not made the Chairman and Managing Director</p>

of BSNL as party respondents in the O.A. On prayer, Mr. Chatterjee is permitted to add the Chairman and Managing Director of BSNL as party respondents in the O.A by making necessary corrections in the cause title of the O.A in red ink in the court copies as well as in the copy served to the respondents' counsel.

5. Ld. counsel Ms. C. Mukherjee is present on behalf of the official respondents.

6. Having heard ld. counsel for both sides, the M.A No. 350/508/2018 for joint prosecution is allowed.

7. So far as the O.A is concerned, Mr. B. Chatterjee, ld. counsel for the applicant submitted that after the death of the father of the applicant at the age of 53 years, the applicant's mother got the death benefits of her deceased husband including leave salary. It is further submitted by Mr. B. Chatterjee that the applicant being a married daughter of the deceased employee applied for appointment on compassionate ground but the respondent authorities have rejected the claim of the applicant on the point that the applicant is married. Mr. Chatterjee also submitted that in view of the judgement rendered by the Hon'ble High Court at Kolkata in C.A.N 12495 of 2014 and F.M.A 1277 of 2015, annexed at Annexure A/5 to the O.A, the applicant should be given compassionate appointment.

8. However, Mr. Chatterjee fairly submitted that liberty may be given to the applicant to file a comprehensive representation to the respondent No. 5 ventilating her grievance therein and the said authority may be directed to reconsider the prayer of the applicant in view of the judgement of the Hon'ble High Court at Kolkata in C.A.N 12495 of 2014 and F.M.A 1277 of 2015 along with other cases, if such representation is filed.

9. Though no notice has been issued to the respondent authorities as yet, I think it would not be prejudicial to either of the parties, if such prayer of the ld. counsel for the applicant is allowed.

10. Accordingly, liberty is given to the applicant to file a comprehensive representation to the Respondent No. 5 ventilating her grievance therein along with a copy of the same to the Respondent No. 4 enclosing the relevant judgement rendered by the Hon'ble High Court at Kolkata within 2 weeks from the date of receipt of this order. If such representation is filed within 2 weeks, then the Respondent No. 5, i.e the Assistant General Manager, Bharat Sanchar Nigam Limited, office of Kolkata Telephones, Telephone Bhawan, Kolkata, shall



reconsider the matter in entirety keeping in mind the judgement of the Hon'ble High Court at Calcutta and pass a reasoned and speaking order within a period of 6 weeks from the date of receipt of the representation from the applicant under communication to the applicant. After such consideration, if the applicant is found to be genuine and similarly situated with the applicant in C.A.N No. 12495 of 2014 (supra) filed before the Hon'ble High Court at Kolkata, then the case of the applicant shall be considered by the respondent authorities for compassionate appointment within a period of 8 weeks from the date of taking decision in the matter. Liberty is given to the applicant to annex a copy of this order along with representation be preferred to the respondent authorities within 2 weeks from the date of receipt of this order.

11. It is made clear that I have not gone into the merit of this case and all points to be raised in the representation are kept open for consideration by the respondent authorities as per rules and regulations governing the field.
12. With the above observations and directions, the O.A is disposed of. No costs.
13. A copy of this order be handed over to Id. counsel for both sides.

(A.K. PATNAIK)
MEMBER (J)

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