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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
"NIZAM PLACE" (11TH FLOOR),
KOLKATA - 700020

O.A.NO. 350/242 OF 2018

In the matter of :

An application under Section 19
of the Administrative Tribunal
Act, 1985.

And

In the matter of :

Sunil Biswas, son of late Anil

Chandra Biswas, Village

Muzaffar Colony, P.O.

Bethuadahari, P.S.


Nakashipara, District Nadia,

West Bengal, PIN-741126.

Versus

1. Union of India, service

WLL

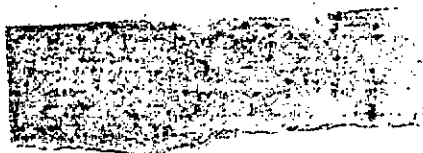


through the Secretary, Bharat
Sanchar Nigam Limited having
its office at Stateman House,
Barakhamba Road, Connaught
Place, New Delhi, Delhi -110
001.

2. The Chief Managing Director,
Bharat Sanchar Nigam Limited,
having its office at Harish
Chandra Mathur Lane,
Janapath Road, Janapath, New
Delhi-110 001

3. The Chief General Manager,
Bharat Sanchar Nigam Limited,
West Bengal Telecom, Circle,
1 No. Council House Street,
Kolkata - 700 001

Handwritten signature or initials, possibly 'BLL', located below the third address block.



4. The Assistant Director,
Bharat Sanchar Nigam Limited,
West Bengal Telecom Circle, 1,
No. Council House Street,
Kolkata - 700 001.

5. The General Manager,
Telecom, Krishnagar Telecom
District, Krishnagar, District -
Nadia, Pin - 741 101.

6. The Assistant General
Manager (HIR &
ADMN/K&H/BSNL, Office of
the G.M.T. Krishnagar, Nadia,
Pin - 741 101.

7. The Sub-Divisional Engineer,
Bharat Sanchar Nigam Limited,
Bethuadahari District - Nadia,
Pin - 741 126.

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No.O.A.350/242/2018

Date of order : 20.03.2018

Coram : Hon'ble Mr. A.K. Patnaik, Judicial Member

For the applicant : Mr. B. Chatterjee, counsel

Mr. N.C. Saha, counsel

For the respondents : Mr. R. Mukherjee, counsel

ORDER (ORAL)**Mr. A.K. Patnaik, J.M.**

The instant O.A. has been filed by the applicant under Section 19 of the Central Administrative Tribunals Act, 1985 praying for the following reliefs:-

- "a) To issue an appointment letter to the applicant forthwith on compassionate ground (in die in harness category) in any post in place of his deceased father who died in harness;
- b) To issue further direction upon the respondents to keep one vacancy in any post on compassionate ground till the disposal of this application. Thereby challenging the impugned speaking order dated 19.07.2017 and 20.07.2017 and my representation dated 12.09.2017 be considered;
- c) To issue any other order or orders as this Hon'ble Tribunal deems fit and proper."

2. Heard Mr. B. Chatterjee, Id. counsel for the applicant. Id. counsel for the respondents Mr. R. Mukherjee is also present and heard.

3. The sum and substance of the case as narrated by the Id. counsel for the applicant are that the applicant is the only son of Late Anil Chandra Biswas who was working under the respondents as Telephone Mechanic. It submitted by the Id. counsel for the applicant that the father of the applicant, Sri Anil Chandra Biswas died in harness while in service and thereafter the applicant approached

the respondent authorities for compassionate appointment. It is further submitted by Id. counsel for the applicant that as no step was taken by the respondents to grant him compassionate appointment despite repeated requests, he approached this Tribunal by filing O.A.No.327 of 2017. Id. counsel for the applicant submitted that the said O.A. was disposed of by this Tribunal on 05.05.2017 with a direction upon the respondents to consider and dispose of the representation of the applicant within a period of one month from the date of receipt of that order. The respondents were further directed to take expeditious steps for redressal of the grievances of the applicant within a further period of three months in case the applicant's grievances were found genuine. Id. counsel for the applicant submitted that in pursuance of the said order of this Tribunal the respondent authorities have passed a reasoned and speaking order on 19.07.2017(Annexure A/8) whereby the applicant was intimated that his case was to be processed as per weightage point system after granting him family pension, but till date the respondent authorities have not given any appointment letter to the applicant. Being aggrieved the applicant made a representation to the Telecom District Manager, Krishnanagar-SSA, Bharat Sanchar Nigam Limited, Krishnanagar, Nadia on 12.09.2017(Annexure A/10) ventilating his grievances therein, but no reply has been received by the applicant till date, hence, he has approached this Tribunal praying for the aforesaid reliefs.

4. It appears that the Id. counsel for the applicant has not added the Telecom District Manager, Krishnanagar as respondent in this O.A. On our query, Id. counsel for the applicant fairly submitted that due to inadvertence he could not make the said authority a party in the O.A.. Id. counsel for the applicant further submitted that the applicant would be satisfied if he is permitted to file a

comprehensive representation ventilating his grievances therein to the Telecom District Manager, Krishnanagar, Nadia and the said authority or any other competent respondent authority is directed to consider and dispose of the same by passing a well reasoned order as per rules and regulations governing the field within a specific time frame.

Though no notice has been given to the respondents we are of the view that it would not be prejudicial to either of the sides if such prayer of the Id. counsel for the applicant is allowed.

5. Accordingly liberty is given to the applicant to file a comprehensive representation ventilating his grievances to the Telecom District Manager, Krishnanagar, Nadia, within 15 days. If such representation is made by the applicant within 15 days, the Telecom District Manager, Krishnanagar, Nadia or any other competent authority is directed to dispose of the same by passing a well reasoned order as per rules and regulations governing the field within a period of six weeks from the date of receipt of the same and communicate the decision to the applicant forthwith. If the grievance of the applicant is found to be genuine, then expeditious steps may be taken by the respondents to grant the benefits to the applicant within a further period of six weeks from the date of taking decision in the matter.

6. It is made clear that I have not gone into the merits of the case and all the points to be raised in the representation are kept open for consideration by the respondent authorities as per rules and guidelines governing the field.

8. Liberty is given to the applicant to annex a copy of this order along with the representation to be filed to the respondents.

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9. With the above observations the O.A. is disposed of. No order as to cost.

(A.K. Patnaik)
Judicial Member

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