

(OPEN COURT)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

This is the **01st** day of **MARCH, 2019**.

DELAY CONDONATION APPLICATION NO. 1964 OF 2015
IN
ORIGINAL APPLICATION NO. 631 OF 2015

HON'BLE MR RAKESH SAGAR JAIN, MEMBER (J).

1. Satish Kumar Maurya, S/o Late Ram Bahal Prasad Maurya, R/o Village-Koairan Chamao, Post Office-Shivpur, District-VaranasiApplicant.

VERSUS

1. The Union of India through its Secretary Ministry of Telecommunications, New Delhi.
2. The General Manager, Telecommunication U.P. East Circle, Lucknow.
3. The Assistant General Manager (Administration), Officer of the General Manager, Telecommunications, VaranasiRespondents

Advocate for the Applicant : Shri Ranjeet Asthana
Advocate for the Respondents : Shri D S Shukla

ORDER

Heard and considered the arguments advanced by the counsel for both the parties and perused the material available on record on the question as to whether the delay in filing the OA should be condoned or not.

2. Learned counsel for the applicant submitted that due to poor financial condition of the applicant, he could not approach the appropriate judicial forum for legal action against the respondents for not granting him compassionate appointment after the death of his father. However, the applicant had moved an application before the respondents for compassionate appointment in place of his father who died in harness while serving the respondents in the year 2008. The applicant and his family awaited the decision on the application, however, when no decision was forthcoming since a long period of time, the applicant was constrained to file a Writ Petition before the Hon'ble High Court and the Hon'ble High

Court disposed of the Writ Petition with the direction to the applicant to approach the Central Administrative Tribunal as alternative remedy of filing Original Application was available to him. Thereafter, the applicant immediately filed the present Original Application in this Tribunal.

3. Learned counsel for the applicant submitted that the delay in filing this Original Application is not intentional or deliberate but it was due to the adverse financial condition of the applicant as well as the fact that he was waiting for the decision of the respondents on his application for compassionate appointment.

4. On the other hand, learned counsel for the respondents submitted that the application for compassionate appointment was filed in the year 2008 and the application was decided in the year 2009 by the department and the copy of the rejection order was sent to the applicant by registered post, as such, there is a long delay of nearly six years in filing the OA and hence, the delay should not be condoned and the delay condonation application as well as the OA should be dismissed.

5. Looking to the nature of the case and in the interest of justice, as well as the reasons given by the applicant, the delay condonation application is allowed and the delay in filing the OA is condoned.

6. I have also heard and considered the arguments of counsels for both the parties in the OA.

7. Learned counsel for the applicant submitted that the father of the applicant namely Shri Ram Bahal Prasad died on 21.03.2008 while working in the respondents department and therefore, the applicant seeks a direction from this Tribunal to the respondents to appoint him on compassionate basis.

8. On the other hand, learned counsel for the respondents submitted that the application filed by the applicant for appointment on compassionate basis was decided by the department vide order dated 14.12.2009 and the same was sent to the applicant. He has also placed a copy of the rejection order dated 14.12.2009 which is taken on record.

9. Learned counsel for the applicant submitted that the rejection order dated 14.12.2009 is a non speaking order and therefore it should be set aside.

10. Undoubtedly, the order rejecting the application of the applicant for compassionate appointment is a non speaking and un-reasoned order simply rejecting the application. It would be in fitness of things that the applicant be not drawn into unnecessary litigation and looking to the nature of the rejection order dated 14.12.2009, the same needs to be set aside.

11. Accordingly, the order dated 14.12.2009 is set aside and the OA is disposed of with the direction to respondents to re-consider the application filed by the applicant for compassionate appointment afresh and thereafter decide the same by passing a reasoned and speaking order in the light of the BSNL guidelines dated 27.06.2007 and communicate the decision taken in writing to the applicant within a period of four months from the date of receipt of certified copy of this order. No order as to cost.

**(RAKESH SAGAR JAIN)
MEMBER-J**

Arun..