

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD**

Original Application No. 863/2014

Date of C.A.V. : 17.07.2018

Date of Order : 26.10.2018

Between :

1. Smt.P.Ramalakshmi Devi,
W/o Late P.V.V.Satyanarayana, Hindu,
Aged 54 years, Occ : Housewife,
R/o C/o K.Ram Babu, D.No.29-14-69,
Lakshmivarapupeta, Rajahmundry, A.P.

2. Pilladi Veera Venkata Trinadha Prabhakar,
S/o Late P.V.V.Satyanarayana, Hindu,
Aged 32 years, Occ : Unemployee,
R/o C/o K.Ram Babu, D.No. 29-14-69,
Lakshmivarapupeta, Rajahmundry, A.P.

... Applicants

And

1. Union of India, Department of
Telecommunications, 20, Ashoka Road,
New Delhi – 110 001, Rep. by its Secretary.

2. Bharat Sanchar Nigam Limited, Rep. by its
Chairman cum Managing Director,
BSNL Corporate Office, Statesman House,
New Delhi – 110 001.

3. The High Power Committee,
BSNL Corporate Office, Statesman House,
New Delhi – 110 001.

4. The Chief General Manager, BSNL,
A.P.Circle, Doorsanchar Bhavan,
Nampally Station Road, Hyderabad – 500 001.

5. The General Manager, Telecom District,
East Godavari, Rajahmundry – 533 150,

East Godavari District, A.P.

... Respondents

Counsel for the Applicant ... Mr.T.P.Acharya, Advocate
Counsel for the Respondents ... Mrs.K.Rajitha, Sr.CGSC
Mrs.P.Yasaswi, S.C. for BSNL

CORAM:

Hon'ble Mr.Justice R.Kantha Rao ... Member (Judl.)

ORDER

{ As per Hon'ble Mr.Justice R.Kantha Rao, Member (Judl.) }

The 1st applicant is the wife and the 2nd applicant is the married son of the deceased employee Sri P.V.V.Satyanarayana who died while in service of the respondents' BSNL. After the death of the deceased employee the applicants received an amount of Rs.4,85,022/- towards the death benefits. However it is the version of the applicants that the deceased employee incurred huge loans from banks as well as from private persons, the death benefits were not sufficient to repay the loans. The husband of the 1st applicant died on 22.12.2006 and the 1st applicant made an application dated 27.02.2007 seeking compassionate appointment to the 2nd applicant, as the 1st applicant is a heart patient. The respondents kept the application pending for several long years and served a rejection order dated 18.03.2014 rejecting the case of the 2nd applicant for compassionate appointment. It is submitted by the applicants that the respondents did not take into consideration the poverty and indigent conditions of the family and rejected the case of the 2nd applicant for compassionate appointment without assigning any sufficient reasons.

2. Therefore, they filed the present OA to set aside the rejection order dated 18.03.2014 and to issue a direction to the respondents to provide employment to the 2nd applicant on compassionate grounds.

3. The respondents in their reply statement contended that the High Power Committee met on 05.12.2012 and sent it to BSNL, Co, New Delhi recommending the case of the 2nd applicant for their final decision. However, the BSNL, Co, New Delhi did not agree to offer compassionate ground appointment to the applicant and rejected the case on the ground that that the son of the applicant is grown up and married now and can self sustain the family and consequently passed an order dated 28.02.2014, the same was intimated to the applicants vide letter dated 18.03.2014, which is impugned in the present OA. One of the important factors which requires mention is that the respondents mentioned in their reply statement that the applicant could meet the required bench mark but unfortunately it was rejected by the High Power Committee of BSNL, Co, New Delhi.

4. Heard Mr.T.P.Acharya, learned counsel for the applicants, Mrs.K.Rajitha, learned Senior Central Government standing counsel for the 1st respondent and Mrs.P.Yasaswi, learned standing counsel for BSNL.

5. This is a case wherein though the High Power Committee recommended the case of the 2nd applicant for compassionate appointment the

recommendation was not approved by the BSNL Board, New Delhi which is the Apex Body. If the 2nd applicant could meet the bench mark, the BSNL Co, New Delhi ought not have rejected the claim of the 2nd applicant's compassionate appointment, they could have at least considered the case of the 2nd applicant in the future vacancy, if really there were other candidates who were meritorious than the 2nd applicant with regard to the eligibility criteria for compassionate appointment. The respondents, as it would appear from the pleadings of the parties, dragged the issue for considerable time, but ultimately passed a rejection order without assigning any valid reasons, though the applicant could meet the required bench mark. The rejection order is passed on 18.03.2014, the OA is filed in the year 2014, the delay and latches are on the part of the respondents, but not attributable to the applicants.

6. In view of the foregoing reasons, the OA is allowed. The respondents are directed to consider the case of the 2nd applicant for compassionate appointment in future vacancies within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

(JUSTICE R.KANTHA RAO)
MEMBER (JUDL.)

sd