

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

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No. O.A. 993 of 2018
M.A. 498 of 2018

Date of order: 5.10.2018

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Sri Pintu Banerjee,
Son of Late Lokenath Banerjee,
Ex-T/M, CTD under Calcutta Telephones,
Aged about 37 years,
Residing at Vill. & P.O. – Garia (S),
24 Pgs(S), Pin No. 743613, Unemployed.
2. Smt Swarnamayee Banerjee,
Wife of Late Lokenath Banerjee,
Ex-T/M, CTD under Calcutta Telephones,
Aged about 58 years,
Residing at Vill. & P.O. – Garia (S),
24 Pgs. (S), Pin No. 743613, house wife.

... Applicants.



1. Union of India
Service through the Secretary,
Ministry of Communication,
Shastri Bhawan,
New Delhi – 1.
2. Union of India,
Service through the Chief General Manager
Of Calcutta Telephone,
8, Bentick Street, Taher Mansion(3rd Floor)
Kolkata – 700001.
3. S.D.E. (Recruitment – II),
Calcutta Telephone,
Bharat Sanchar Nigam Limited,
8, Bentick Street,
Kolkata – 700001.
4. Assistant General Manager (RE),
Bharat Sanchar Nigam Limited,
Calcutta Telephones,
8, Bentick Street,
Kolkata – 700001.

... Respondents.

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For the Applicant : Ms. T. Maity, Counsel

For the Respondents : Mr. C.S. Bag, Counsel

O R D E R (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The applicants are wife and son of the deceased employee, Lokenath Banerjee, who had passed away on 29.4.2007 before retirement of service from Calcutta Telephones. The widow of the deceased employee had appealed to the authorities for compassionate appointment to her only son which was rejected by the authorities on 21.5.2015. Another appeal was made thereafter on 15.12.2017 which is pending with the respondent authorities and the applicants have approached the Tribunal with the following specific relief:-

"8.(i) An order directing the respondents to cancel, rescind, withdraw or set aside the purported order dated 21.05.2015.

(ii) An order directing the respondents to offer the compassionate appointment to the applicant No. 1 in relaxation of existing rules in the interest of justice.

(iii) An order directing the respondents to dispose of the representation dated 15.12.2017 of the applicant no. 2 as per rule.

(iv) An order directing the respondents to produce entire records of the case at time of adjudication for *conscientious* justice;

v. An order directing the respondents to produce entire the records of the case as also showing detail break-up of consideration before the Hon'ble Bench at the time of adjudication for conscientious justice;

vi. Any other order or further order / orders as to this Hon'ble Tribunal may seek fit and proper;

vii. Leave may be granted to file this application in common cause of action under Section 4(5)(a), CAT Procedure Act, 1987."

2. An M.A. No. 498 of 2017 praying for joint prosecution by the widow and son of the deceased employee under Rule 4(5)(a) of CAT (Procedure) Rules, 1987 is allowed and is disposed of accordingly.

3. Heard both Ld. Counsel, examined pleadings and documents on record.

4. It appears from records that on 21.5.2015 (Annexure A-5 to the O.A.) the respondents have rejected the prayer for compassionate appointment on the

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ground that the applicant had scored below the bench mark score as ascertained during DHPC-2013.

The applicant seeks liberty to file a comprehensive representation to the competent respondent authority requesting for reconsideration of the prayer in the next DHPC and prays that directions be issued to the competent respondent authority to dispose of the same in a time bound manner, once so preferred.

Ld. Counsel for the respondents does not object to the same.

5. Consequently, without entering into the merits of the matter and with the consent of the parties, we hereby grant liberty to the applicant to prefer a comprehensive representation to the competent respondent authority, who is the Chief General Manager, Calcutta Telephones, respondent No. 2 and once so received, the respondent No. 2 will dispose of the same with a reasoned and speaking order in accordance with law and in adherence to rules governing the field at the material point of time within a period of six weeks of receipt of such representation.

7. With these directions, the Q.A. and M.A. are both disposed of. There will be no orders on costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

SP