

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

**ORIGINAL APPLICATION NO. 060/814/2019 &
M.A. NO. 60/1229/2019**

Chandigarh, this the 5th day of August, 2019

CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

...

1. Anju, aged 39 years w/o late Sh. Shyam Singh (ATT), resident of House No. 6548, BSNL Society, Sector 44 A, Chandigarh 160047.
2. Shivani Singh, aged 18 years d/o late Sh. Shyam Singh (ATT), r/o House No. 6548, BSNL Society, Sector 44A, Chandigarh 160047.
3. Aniket, aged 15 years, s/o late Sh. Shyam Singh (ATT), through her mother & natural guardian Smt. Anju, resident of House No. 6548, BSNL Society, Sector 44 A, Chandigarh 160047.
4. Arshdeep Singh, aged 10 years, s/o late Sh. Shyam Singh (ATT), through her mother and natural guardian Smt. Anju, resident of House No. 6548, BSNL Society, Sector 44 A, Chandigarh 160047.

....APPLICANTS

(By Advocate: Shri Jagdeep Jaswal proxy for Mr. R.K. Sharma,
Advocate)

VERSUS

1. Union of India through the Secretary to Govt. of India, Ministry of Communications & Information Technology, Department of Telecommunications, New Delhi 110001.
2. Bharat Sanchar Nigam Limited through its Chairman-cum-Managing Director, Harish Chander Mathur Lane, Janpath, New Delhi-110001.
3. Chief General Manager Telecom, Punjab Circle, Bharat Sanchar Nigam Limited, Sector 34-A, Chandigarh 160022.
4. General Manager Telecom, Bharat Sanchar Nigam Limited, Sector 34, Chandigarh 160022.

....RESPONDENTS

(By Advocate: Shri K.K. Thakur)

ORDER (Oral)**SANJEEV KAUSHIK, MEMBER (J)**

Advocates are abstaining from work today, in solidarity with a call given by the Punjab and Haryana High Court Bar Association. Sh. Jagdeep Jaswal, Advocate and Sh. K.K. Thakur, Advocate have been deputed to appear before this Court on behalf of applicant(s) and respondent(s) respectively.

2. M.A. No. 60/872/2019 is allowed and the applicants are permitted to file a joint Original Application (O.A.).
3. By means of present O.A., the applicants have sought the following relief:

“ i) Issue directions to the respondents to consider husband of the applicant No. 1 late Sh. Shyam Singh s/o Sh. Sukkar Chand, who was working as Regular Mazdoor with the respondents and died on 21.01.2019, as original regular employee of department of Telecom, covered under G.P. Fund-cum-old Pension Scheme and release all the benefits including benefits of NEPP, family pension etc. and to consider claim of applicant No. 1 for family pension and other benefits etc. and for compassionate appointment and also grant them benefit of a judgment dated 01.10.2013 (Annexure A-6) upheld by the Hon’ble Himachal Pradesh High Court vide (Annexure A-7) and by the Hon’ble Supreme Court vide judgment dated 01.08.2016 (Annexure A-8) and judgment dated 01.09.2017 (Annexure A-13) passed in O.A. No. 060/1025/2017 titled as Sanju and Others versus UOI and others.

(ii) Respondents may be directed to produce complete record of the case for kind perusal of this Hon’ble Tribunal.”

4. I have heard the learned counsel for the applicants and gone through the pleadings available on record.
5. The learned counsel appearing for the applicants submits that applicant no. 1 before approaching this Tribunal, has already

served a representation dated 01.04.2019 (Annexure A-10), based upon judicial pronouncements, for redressal of her grievance, which is still pending consideration. Therefore, a time-bound direction may be issued to the respondents to decide the same by taking into account the ratio of law laid down in the relied upon judgments.

6. Issue notice to respondents. At this stage Mr. K.K. Thakur, Advocate, present in Court, accepts notice on their behalf and does not object to the request made by the learned counsel appearing for the applicants for disposal of the O.A., in the requested manner.

7. Therefore, this O.A. is disposed of at the admission stage itself, by directing the Competent Authority amongst the respondents, to consider the pending representation of the applicants, by taking into consideration the ratio of law as laid down in the relied upon judicial pronouncements, by passing a reasoned and speaking order, within a period of two months from the date of receipt of a certified copy of this order. The order so passed be duly communicated to the applicants and if the applicants are found to be similarly situated, the relief may be granted to them.

8. The disposal of the O.A. may not be construed as an expression of any opinion on the merits of the case. No costs.

**(SANJEEV KAUSHIK)
MEMBER (J)**

Dated: 05.08.2019
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