

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 21st day of March Two Thousand And Nineteen

PRESENT:
THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

M.A/310/173/2019
In &
O.A. 310/382/2019

P. Thangeshwaran,
S/o. Late S. Peiyasamy,
No.19, New Street, Sivakasi,
Viruchunagar District.

....Applicant both in MA and OA

(By Advocate: Mr. Lesi Saravanan)

Versus

1. The Chief General Manager,
BSNL, Tamilnadu Circle, Chennai- 600 006;

2. The Assistant General Manager,
(Admin HR), Office of General Manager,
Viruchunagar.

...Respondents both in MA and OA

(By Advocate: Mr. Velusamy)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. M.A. 173 of 2019 has been filed by the applicant seeking condonation of delay of 90 days in filing the OA is allowed.

2. This OA has been filed by the applicant seeking the following reliefs:-

"to call for the records on the file of the 2nd respondent in pursuant to the order passed in the Ref. No. RET/31-77/2012/26 dated 06.12.2017 and quash the same and direct the respondents to consider the case of the applicant for appointment to any post on compassionate ground and pass any other appropriate order in accordance with law and pass such further or other orders or directions as this Hon'ble Tribunal may deem fit in the circumstances of the case and thus render justice."

3. The applicant is aggrieved that he had not been granted compassionate appointment following the death of his father in a road accident on 5.2.2010 while in service. The applicant filed O.A. 1422/2017 which was disposed by an order of the Tribunal dated 6.9.2017, setting aside the impugned order therein and directing the respondents to pass a fresh speaking order with all the relevant information so as to satisfy the applicant that the relevant facts were placed before the Corporate Office High Power Committee and that his mother's case had been considered fairly by the Committee. The submission made in the applicant's representation dated 1.1.2015, 1.1.2016 and 1.1.2017 should be taken into account to the extent material and relevant before passing such

order. The respondents shall complete the entire exercise within a period of six weeks from the date of receipt of copy of the order.

4. The respondents have now rejected his request for compassionate appointment by Annexure-A/IX impugned order dated 06.12.2017, which does not provide details of how the case of the applicant was processed, such as the factors considered for assessment under the weightage point system, the weightage points granted under different criteria, the aggregate points secured by the last selected candidate etc.,. As such, the impugned order is not only a nonspeaking but also violative of the specific directions of this Tribunal in O.A 1422/2017, it is alleged.

5. Mr. Velusamy, Learned Standing Counsel who takes notice for the respondents, fairly submits that the respondents would pass a detailed speaking order as per the directions of the Tribunal in O.A 1422/2017 disclosing all the relevant information so as to satisfy the applicant that the Corporate Office High Power Committee had not missed out on any material criteria. The weightage points awarded to the applicant under various criteria and the aggregate weightage points awarded to the last selected candidate in the relevant years would also divulged.

6. Keeping in view the above submission, this OA is disposed of setting aside Annexure-A/IX communication dated 6.12.2017 and with a direction to the competent authority to pass a reasoned and speaking order strictly in accordance with the directions of this Tribunal passed in OA No.

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1422/2017 duly disclosing all the relevant information within a period of three months from the date of receipt of copy of the order.

7. O.A is disposed of accordingly. No costs.