

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-08-2016

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM

AND

THE HON'BLE MR.JUSTICE P.KALAIYARASAN

Writ Petition No.18689 of 2016

1. The Union of India rep. by
Assistant General Manager (Per-IV)
Bharat Sanchar Nigam Limited (BSNL)
Government of India Enterprises
5th Floor, Bharat Sanchar Bhawan
Janpath, New Delhi - 110 001
 2. The High Power Committee
BSNL CO, New Delhi
 3. The Assistant General Manager (Estt.,)
Bharat Sanchar Nigam Limited (BSNL)
Chennai Telephones
No.89, Millers Road, Kilpauk
Chennai - 600 010 ... Petitioners
- Vs.
1. P. Saravanan
 2. The Registrar
Central Administrative Tribunal
City Civil Court Campus
High Court, Chennai - 600 104 .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorari calling for the records of the second respondent-Tribunal in O.A.No.1533 of 2013 dated 01-02-2016 and quash the same.

For petitioners : Mr. S. Udayakumar

For Respondents : R1 - No appearance
R2 - Tribunal

ORDER

(Order of the Court was delivered by A.SELVAM,J.)

This writ petition has been directed under Article 226 of the Constitution of India praying to call for records relating to the order, dated 01-02-2016, passed in O.A.No.1533 of 2013 by the Central Administrative Tribunal, Madras Bench and quash the same.

2. The first respondent herein as petitioner has filed O.A.No.783 of 2010 on the file of the Central Administrative Tribunal, Madras Bench wherein the present petitioners have been shown as respondents.

3. It is averred in the petition that the father of the petitioner has served as a Phone-mechanic in BSNL and he passed away on 09-01-2005 leaving behind him, his wife, two daughters and two sons including the present petitioner. Under the said circumstances, the petitioner has applied for getting appointment on compassionate grounds. But the respondents have rejected the claim of the petitioner by way of passing the impugned order dated 30-07-2009 and the same has been challenged in O.A.No.783 of 2010 on the file of the Central Administrative Tribunal, Madras Bench.

4. The Central Administrative Tribunal, Madras Bench after considering the rival contentions raised on either side has set aside the order passed by the respondents and directed them to reconsider the claim of the petitioner by way of passing the impugned order, which has been challenged in the writ petition.

5. Even though the first respondent has been served with the summons, appearance has not been made on his behalf. Under the said circumstances, the present writ petition is dealt with on the basis of the contentions put forth on the side of the petitioners.

6. The learned counsel appearing for the petitioners has repeatedly contended that the claim of the first respondent/petitioner has been rejected only on the ground of want of vacancy and the Central Administrative Tribunal without considering the nature of defence taken on the side of the petitioners/respondents has erroneously directed them to reconsider the claim of the first respondent/petitioner and therefore, the order passed by the Central Administrative Tribunal, Madras Bench is liable to be set aside.

7. The short point that arises for consideration in the present writ petition is as to whether the first respondent/petitioner is entitled to claim appointment on compassionate grounds ?

8. It is an admitted fact that the first respondent/petitioner's father has served as a Phone-Mechanic in BSNL Office and he passed away on 09-01-2005 leaving behind him his wife, two daughters and two sons including the first respondent/present petitioner. Further, it is an admitted fact that in the family of the deceased nobody is having regular employment nor regular income. Under the said circumstances, the first respondent/petitioner has applied for getting appointment on compassionate grounds.

9. The only defence taken on the side of the petitioners/respondents is that there is no vacancy so as to accommodate the first respondent/petitioner on compassionate grounds.

10. In fact, this Court has perused the entire order passed by the Central Administrative Tribunal, Madras Bench wherein it has been specifically directed to reconsider the claim of the petitioner.

11. Considering the nature of the order passed by the Central Administrative Tribunal, Madras Bench and also considering the fact that the first respondent/petitioner is legally entitled to get an appointment on compassionate grounds, the order passed by the Central Administrative Tribunal is perfectly correct and the same does not call for any interference and therefore, the present writ petition deserves to be dismissed.

In fine, the writ petition is dismissed without costs. The order dated 01-02-2016 passed in O.A.No.1533 of 2013 by the Central Administrative Tribunal, Madras Bench is confirmed. Consequently, connected W.M.P.No.16340 of 2016 is also dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

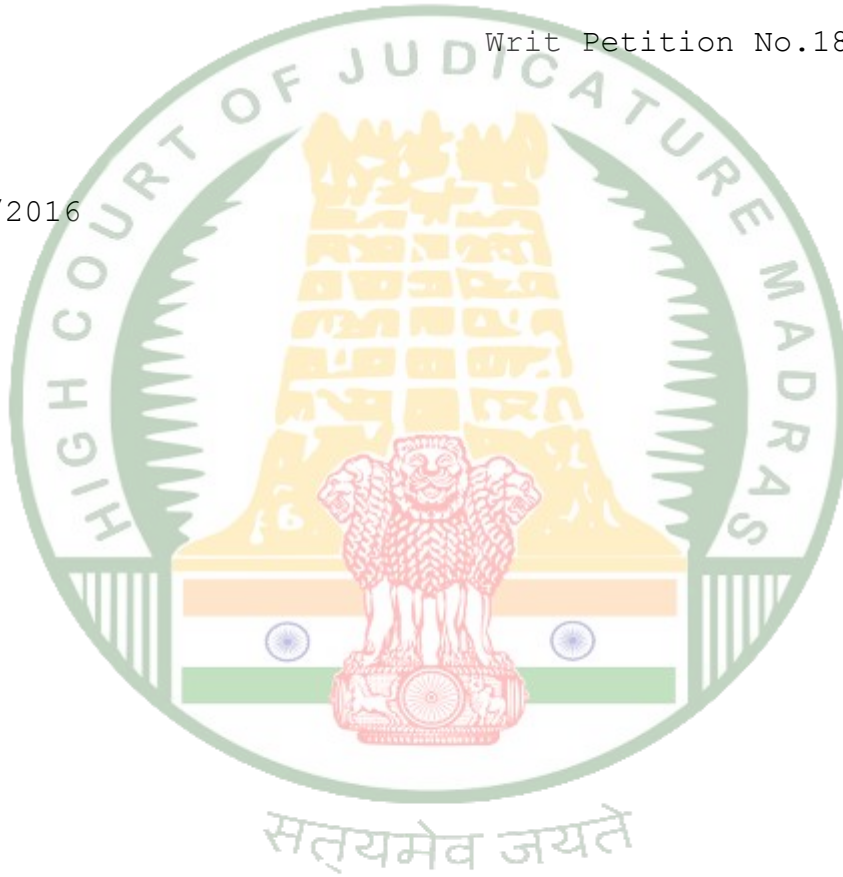
To

1. The Registrar
Central Administrative Tribunal
City Civil Court Campus
High Court, Chennai - 600 104.

+1cc to Mr.S.Udayakumar, Advocate Sr.43954

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srg 17/08/2016



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