

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

.....
Original Application No. 290/00144/2017

Reserved on : 27.02.2020
Pronounced on : 05.03.2020

CORAM

HON'BLE MRS. HINA P.SHAH, MEMBER (J)

Mukesh Kumar Meena s/o Late Shri Chaman Ram Meena, by Caste – Meena, age about- 27 years, Village-Chawarali, Post-Basantgarh (JK Puram), Tehsil-Pindwara, District Sirohi (Raj.)

.....Applicant

By Advocate: Mr. G.S.Bhati, proxy for Mr. Rameshwar Dave

Versus

1. Bharat Sanchar Nigam Ltd. through Chairman-cum-Managing Director, 20, Ashoka Road, New Delhi.
2. Bharat Sanchar Nigam Ltd. Through the Chief General Manager Telecom, Rajasthan Telecom Circle, 'C' Scheme, Sardar Patel Marg, Jaipur (Raj.)
3. The Managing Director, Door Sanchar District-Udaipur, Bharat Sanchar Nigam Ltd., Udaipur (Raj).
4. The Assistant Managing Director (Recruitment & Establishment), Office of the Chief General Manager Telecom, Rajasthan, Jaipur (Raj.)

.....Respondents

By Advocate: Mr. Rajeev Chouhan, proxy for Smt. K.Parveen

ORDER

In the present Original Application filed u/s 19 of the Administrative Tribunals Act, 1985, the applicant seeks quashing of the impugned order dated 29.10.2016

(Ann.A/1) and direction to the respondents to give appointment to him on compassionate grounds as per his qualification.

2. The brief facts as stated by the applicant are as under:-

Applicant's father was a permanent employee of the respondent-department and was working on the post of Telephone Mechanic. He expired on 14.10.2014 leaving behind him his wife, three sons and a daughter. At the time of the death of his father, the applicant was 24 years old. Except the applicant, his other brothers and sister are married and residing separately. His mother who is residing with him is suffering from various diseases. The liabilities and burden of responsibilities of his mother and sister are with the applicant. The financial condition of the family is very bad and it is very hard for them to survive. Thus, the applicant is in urgent need of compassionate appointment as the family of the applicant is in penury condition. After the death of his father, late Shri Chaman Ram, the applicant submitted his application for compassionate appointment dated 02.03.2015 enclosing all other requisite documents. Thereafter, the respondents passed the impugned order dated 29.10.2016 (Annexure A-1) rejecting

the candidature of the applicant on the ground that the applicant has not secured 55 points as required for compassionate appointment. Therefore, being aggrieved by the action of the respondents, the applicant has filed the present OA.

3. The respondents have filed their reply stating that Bharat Sanchar Nigam Limited (BSNL) is following the scheme of compassionate appointment issued by DOP&T vide OM dated 09.10.1998. In order to bring uniformity in assessment of indigent condition of the family for offering appointment on compassionate grounds, weightage point system was issued by the BSNL vide letter No. 273-18/2005-Pers dated 27.06.2007. The weightage points are awarded after consideration of all the aspects as per guidelines contained in letter dated 27.06.2007 like total number of dependants, minor child, handicap dependants, major unmarried daughter, basic family pension, left out service, widow is seeking appointment or other person is seeking appointment, terminal benefits (excluding pension), residential accommodation etc. The assessment criteria is cases with 55 or more net points, which are *prima facie* treated as eligible for consideration by the Circle High

Power Committee for compassionate ground appointment. The cases below the said points are treated as non-indigent and are to be rejected. As far as the applicant's case is concerned, his case was considered by the High Power Committee in its meeting held on 06.08.2016 as per the rules and guidelines on the subject. The net points scored by the applicant were 10 and accordingly the Circle High Power Committee did not recommend his case for compassionate ground appointment. Since the applicant was not found fulfilling the requisite weightage points with regard to his indigent condition, his case was rightly rejected. Therefore, the applicant is not entitled for any relief and the present OA deserves to be dismissed.

4. Heard Shri. G.S. Bhati proxy for Shri Rameshwar Dave, counsel for the applicant and Shri Rajeev Chouhan proxy counsel for Smt. Kausar Parveen for the respondents and perused the material available on record.

5. The applicant reiterated his stand and further contended that the impugned order dated 29.10.2016 is arbitrary, illegal and contrary to the law as the same has been passed in a mechanical manner without proper application of mind. The Circle High Power Committee has

not considered the fact that the financial condition of the family is very bad and the family is suffering great hardship and it is very difficult for them to survive. The applicant is in urgent need of compassionate appointment. The liability of his mother and sister is on the applicant. The applicant belongs to ST category and has only 1.01 bigha share out of the total land admeasuring 5.5 bighas. Except 1.01 bigha, he has no other movable or immovable property. Therefore, the Committee should have given more marks under the category of accommodation. He further added that he possess the educational qualification of diploma in IIT (Electrician). Considering all the averments mentioned above, the finding given by the Circle High Power Committee is absolutely wrong and, therefore, the impugned order deserves to be quashed and he should be given compassionate appointment at the earliest.

6. The respondents, on the other hand, contended that the Circle High Power Committee in its meeting held on 06.08.2016 has taken into consideration each and every aspect from all corners of consideration as per the rules and guidelines on the subject of compassionate appointment and thereafter the weightage points are accorded to the

applicant. The net weightage point scored in his case are only 10, which are much below the requirement of minimum 55 weightage points. Therefore, the Circle High Power Committee though considered his case but has not recommended the applicant for grant of compassionate appointment. Therefore, the impugned order is just and proper and the applicant is not entitled to any reliefs as prayed by him.

7. Considered the rival contentions of both the parties.
8. In order to bring uniformity in assessment of indigent condition of the families for offering appointment on compassionate grounds, the BSNL has introduced weightage point system vide letter dated 27.06.2007 in continuation of the policy guidelines on compassionate appointment issued by the DOP&T vide OM dated 9.10.1998. Under this system, weightage points are awarded on different aspects and for being eligible for consideration for appointment on compassionate grounds, a candidate has to secure minimum 55 points. The applicant could only secure 10 points, which are much below the minimum requirement of 55. Therefore, his case for compassionate appointment could not be recommended by

the Circle High Power Committee constituted for this purpose. The applicant has stated that he should be given more weightage points as except 1.1 bigha share of landed proper, he does not have any movable or immovable property and he has no other source of income and that the family is in penury condition. After going through the impugned order as well as the pleadings of the parties, it is noted that the Circle High Power Committee has already considered all the aspects of the matter of appointment on compassionate grounds. The family of the deceased employee was residing in its own house and not in rented house. The family was also having 5.5 bighas of agriculture land and accordingly points were given as per the weightage point system. Therefore, I do not find any infirmity in the impugned order and it is just and proper. The object of the Scheme is to grant appointment on compassionate grounds to a dependent family member of a Government servant dying in harness thereby leaving his family in penury and without any means of livelihood, to relieve the family of the Government servant concerned from financial destitution and to help it get over the emergency. It is also settled proposition of law that a person cannot claim compassionate appointment as a

matter of right. In the instant case, the Committee has already considered the matter on the basis of the rules/policy on the subject, but did not find the family in indigent condition, therefore, I find no reason to interfere in the matter.

9. In view of the discussions made above, the OA being devoid of merit is liable to be dismissed, which is accordingly dismissed with no order as to costs.

(HINA P.SHAH)
Judl. Member

R/