

RESERVED

**CENTRAL ADMINISTRATIVE TRIBUNAL**

**ALLAHABAD BENCH ALLAHABAD**

Dated: This 27<sup>th</sup> day of May 2020.

**HON'BLE MR. RAKESH SAGAR JAIN, MEMBER – J**

Original Application No. 656 of 2012

Sanjay Singh S/o Late Nand Kishor Singh Resident of Mohalla Moharipur Bazar, Post Jungle Beni Madhav No.2, District Gorakhpur.

.....Applicant

By Advocate: Shri Manish Kumar Yadav

Versus

1. BSNL through its Chairman-cum-Managing Director, Sanchar BHawan New Delhi.
2. Assistant General Manager (Rectt), Recruitment Cell O/o Chief General Manager U.P (East), Telecom Circle Hazartganj, Lucknow.
3. Assistant General Manager (P), Karyalay Mahaprabandhak, Mirzapur.

. . Respondents

By Adv: Shri D.S. Shukla

**O R D E R**

1. The present O.A. has been filed by the applicant Sanjay Singh seeking following reliefs:-
  - (A) *To issue a order or direction in the nature of certiorari quashing the impugned order dated 7.1.2012 passed by respondent no.2.*
  - (B) *To issue a direction in the nature of mandamus commanding the respondents to appoint the applicant for compassionate ground on any post suitable as per his qualification.*
  - (C) *To issue any other order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and,*
  - (D) *To award cost of the applicant".*
2. Case of applicant is that on the death of his father Nand Kishore Singh on 08.04.1997 while working in the respondents' department, application for appointing the applicant on compassionate ground was filed before respondent No. 3 on 28.05.1998 and 17.12.2003. It is

the further case of applicant that after the death of Nand Kishore Singh, a suit was filed by one Usha Devi claiming herself to be the successor of Nand Kishore Singh which was decided on 14.11.2003 by Civil Judge, Mirzapur in favour of mother of applicant. Applicant's further case is that his application for appointment on compassionate ground was rejected by the respondents by way of impugned order dated 07.01.2012.

3. Applicant has challenged the impugned order on the grounds that (i) impugned order has been passed without application of mind and in violation of the Rules; (ii) applicant's mother had requested respondent No. 3 to provide a proforma application form but the same was not supplied by the respondents; (iii) at the time of death of his father, applicant was a minor; (iv) there was a dispute between the parties regarding the question of successor of deceased and for this reason department had refused compassionate appointment.
4. In the counter affidavit it has been averred by the respondents that the impugned order is in accordance with law and rules governing the appointment on compassionate ground in the respondents department and on consideration of the case of applicant, the department did not find merit in the case of applicant for providing appointment on compassionate grounds. It has been further averred that the case was considered in light of Departmental Scheme of Compassionate Ground Appointment issued by Corporation Office New Delhi vide order No. 273-18/2005-Pers IV dated 27.06.2007 in terms of DOPT No. 14014/6/94-Estt (D) dated 09.10.1998, but the case was not found to be indigent, as such, claim of applicant was duly rejected.
5. I have heard and considered the arguments of counsel for both the parties and gone through the material on record.
6. A number of grounds have been argued by counsel for opposing parties in support of their respected claims. Notwithstanding the various conflicting claim put-forth by the parties, perusal of the impugned order dated 07.01.2012 reveals that candidature of applicant for appointment on compassionate ground amongst other

grounds was rejected on the basis that the applicant was awarded merit points which were below the required minimum 55 merit points.

7. In the present case, admittedly, applicant has secured merit points which is below the minimum eligible 55 merit points. So, the applicant securing merit points below the minimum merit point of 55 is not eligible for consideration by the Corporate Office High Power Committee. Accordingly, I am of the view that the impugned order is in accordance with rules and regulation and no interference is required for quashing the impugned order dated 07.01.2012.
8. In view of the facts and circumstances of the case as noted above, the O.A. being meritless, is dismissed. No order as to costs.

**(RAKESH SAGAR JAIN)**

Member (J)

Manish/-