



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O.A. No. 060/596/2019
MA No. 060/961/2019

(Order reserved on 05.02.2021)

Chandigarh, this the 9th day of February, 2021

HON'BLE MRS. AJANTA DAYALAN, MEMBER (A)

Vikash Kumar aged 25 years son of Late Satya Pal Singh, resident of Village Bhongra, Tehsil Narwana, District Jind. Pin-126 115 (Group-D)

.....Applicant

By Advocate: Mr. Surinder Singh Duhan

Versus

1. Union of India through Secretary, Department of Telecommunication, Sanchar Bhawan, 20, Ashoka Road, New Delhi. Pin-110 001.
2. Bharat Sanchar Nigam Limited, through its Chief General Manager Telecom, Haryana Circle, Ambala. Pin - 133 101.
3. Chief General Manager Telecom, Haryana Circle, Ambala. Pin - 133 101.
4. Assistant General Manager, Office of Chief General Manager Telecom, Haryana Circle, Ambala. Pin - 133 101.
5. Sub Division Engineer (Admn) O/o General Manager Telecom Department, Hisar. Pin - 125 001.

.....Respondents

By Advocate: Mr. D.R. Sharma

ORDER

AJANTA DAYALAN, Member (A):

1. The present OA has been filed by the applicant Vikash Kumar seeking setting aside of order dated 11.01.2017 (Annexure A-2) whereby claim of the applicant for appointment



on compassionate grounds has been rejected. The applicant has also sought issue of directions to the respondents to appoint him on compassionate grounds.

2. The applicant is son of Satya Pal who was working as Senior RM in Hisar in the office of the respondents. Satya Pal died on 31.07.2013. He left behind his widow and two sons - one of whom is the applicant in this OA. Thereafter, on 09.03.2015, the applicant submitted application for his appointment on compassionate grounds (Annexure A-1). Vide letter dated 11.01.2017 (Annexure A-2), the respondents have rejected the request of the applicant. The applicant is before this court against this order.

3. The case of the applicant is that as per the impugned order, the Committee has kept "in view the assets, liabilities of the family of the deceased official, support arrangement, involved time period, long term commitments/responsibility and overall assessment of the condition of the family". However, according to the applicant, the order is in complete deviation of the object of the policy of providing appointment on compassionate grounds. The applicant has submitted that though Satya Pal expired in 2013, the decision on compassionate appointment was taken only on 11.01.2017 - more than three years after the death of the official concerned - thus defeating the object of the Scheme.

4. Further submission from the applicant's side is that the applicant belongs to Other Backward Class (OBC) for which requisite certificate is enclosed. However, the respondents have



failed to appreciate this fact as well as that the applicant's family has only 1.5 acre of agriculture land and the earning from this land is not more than Rs. 30,000/- which includes the labour of three members of the family and the price for purchase of seeds, fertilizer and water for irrigation through tubewell. Further submission is that the family of three in which widow is a housewife and one son is a labourer and another son is seeking appointment on compassionate grounds, cannot be said to be not indigent and it cannot be said that the family does not deserve immediate assistance.

5. The applicant has also submitted an application for condonation of delay of 496 days in filing of the OA. It is stated that the rejection letter dated 11.01.2017 was not received by the applicant. It was received by his mother who failed to inform the applicant about this letter due to inadvertence. The applicant himself came to know about it only on 10.03.2019 when he found the registered letter in the house. It was thereafter that he sought legal help and the delay was not intentional or willful and may be condoned.

6. In view of the above, the applicant has stated that he deserves the relief being sought in the OA.

7. The respondents have contested the claim of the applicant. They have stated that the applicant was awarded points based on Weightage Point System developed by BSNL Headquarters vide letter dated 27.06.2007. This System is given in detail at Annexure R-2. According to the respondents, the applicant has been awarded points strictly as per this system and



there is no bias in his case. As the applicant scored only 22 points against minimum qualifying points of 55, his case could not be recommended for appointment on compassionate grounds.

8. The respondents have also stated that the OA has been filed with a delay of 496 days for which no case is made out for condonation. The applicant has made a concocted story that the order was not communicated to him. However, the applicant has not even approached the respondents in the meantime and that itself shows that the applicant has taken the false ground for condonation. Hence, even the delay does not deserve to be condoned.

9. During arguments, the counsel for the applicant raised issues regarding award of points to the applicant. These included the following:-

- (a) Award of 10 points for dependents' weightage
- (b) Award of Nil points for family pension
- (c) Award of 2 points for terminal benefits
- (d) Award of Nil Points for accommodation

However, counsel for the respondents indicated from Annexure R-1 the following:-

- (a) 10 points have been awarded to the applicant for two dependents - that is the widow and one brother who are in the family.
- (b) Nil points have been awarded as the applicant is in receipt of family pension of Rs. 4733/-. As per the Weightage Point System the points earned for family pension above Rs. 4250 are 'Nil'.
- (c) The applicant has received terminal benefits of Rs. 8,72,119/-. As such, as the total terminal benefits are between 8 to 9 lakhs, only 2 points are awarded.
- (d) As the family is staying in their own house, only Nil points are to be awarded as per the Weightage Point System.



10. Thus, the counsel for the respondents concluded that the points given to the applicant are correct and as these were below the cut off points of 55, the decision not to recommend his case for compassionate appointment is correct. Hence, they submitted that this OA has no merits and no relief needs to be granted to the applicant.

11. I have heard the opposing counsels and have also gone through the pleadings of the case. I have given my thoughtful consideration to the matter.

12. First of all, I note that the facts of the case are not disputed. I also observe that there is considerable delay in filing of the OA. The father of the applicant Satya Pal expired on 31.07.2013 and as per his own submission, the applicant applied for compassionate appointment on 09.03.2015 - that is almost two years after the death of his father. The order rejecting his claim was passed on 11.01.2017. However, the OA has been filed only on 30.05.2019 - that is more than two years after the rejection order. That the letter was delivered at the house of the applicant is not denied by the applicant himself. He only states that the letter was received by his mother who failed to inform him and he came to know of it only on 10.03.2019 and the OA was filed immediately thereafter in May 2019. Even if I accept the plea of the applicant, the very fact that the applicant never contacted his office after his application in March 2015 - that is for almost four years - itself indicates that the family was not really keen to pursue the case with the respondent department. This is even more so after January 2017 when - if he had



contacted the respondent department – he could have been informed of the factual position of the case. Hence, it can be safely concluded that the applicant himself has not been vigilant and has not pursued his application of March 2015 for next almost four years. In any case, the OA does not show any effort on his part during whole of this period even as per his own version. The OA, therefore, needs to be dismissed on this ground alone.

13. Regarding the merits of the case, the applicant has raised many pleas about the award of points to him and how they have been awarded. On the other hand, the respondents have clearly stated that the points have been awarded to the applicant based on Weightage Points System developed by BSNL Headquarters vide letter dated 27.06.2007 (Annexure R-2). They have further stated that this system was strictly followed in the case of the applicant as well. They have also stated that this system is being followed for all the candidates who are coming forward for compassionate appointment. As such, there is no discrimination in the case of the applicant vis-à-vis other candidates.

14. The points awarded to the applicant are given at Annexure R-1 by the respondents. A perusal of these points vis-à-vis the Weightage Point System given at Annexure R-2 clearly establishes that the points awarded to the applicant are as per the Weightage Point System. There cannot be any dispute regarding this. What the counsel for the applicant was arguing at Bar was in fact against the Weightage Point System itself. For



instance, the counsel was arguing how 10 points have been given in the instant case and for getting maximum 30 points in this item, one has to have a handicapped dependant or an unmarried daughter which is not justified. Or he stated that how 2 points have been given against terminal benefits, is not known. Or that a person living in his own house in his village deserves to be awarded points and getting 10 points only for living in rented house does not make much sense. However, all these arguments are basically against the System and not against the award of points to the applicant. But, the System has nowhere been challenged in the OA. The prayer is limited only to setting aside of the impugned order dated 11.01.2017 and to give directions to the respondents to appoint the applicant on compassionate grounds.

15. In any case, I observe that the Weightage Point System has been devised by BSNL for assessment of all compassionate appointment cases. It has been in existence right from 27.06.2007 and has thus been in operation for over ten years now. It is being applied uniformly for adjudging the indigent condition of the family for offering compassionate appointment across the whole Organization and for all candidates. Thus, this system brings lot of uniformity and objectivity to such assessment and thereby reduces element of discretion to the minimal level. To that extent, it also reduces possibility of discrimination. The system has also been upheld by the Full Bench of Kerala High Court in **Chief General Manager, BSNL Vs. Rajesh**, 2015(4) SCT Page 357 which was



also followed by this Tribunal in deciding some other cases mentioned in the written statement.

16. In any case, the applicant cannot now question the System when in the OA, he has never challenged the same. Besides, the grounds taken up by the applicant may seem somewhat justified if seen exclusively from the limited perspective of his own case. But, he has failed to see in the larger perspective the objective of the scheme where families are in much worse situation and are facing the adverse circumstances included in the Weightage Point System.

17. I have gone through the order dated 11.01.2017. It is a detailed and speaking order. It gives the basic facts of the case as well as the considerations before the Committee. It also gives the background in which the case of the applicant has been considered.

18. In essence, the fact of the matter is that the applicant obtained only 22 points against cut off points of 55 and as such, his case could not be recommended for appointment on compassionate grounds. The family has only widow and two sons, has its own house as well as some land and has received over Rs. 8 lakhs as terminal benefits. There are no other liabilities like handicapped children or unmarried sister etc. As such, no case is made out for award of appointment to the applicant on compassionate grounds. The OA does not have any merits and deserves to be dismissed on merits as well.

19. In view of the above, the OA is dismissed both on merits and on limitation. MA No. 060/961/2019 is also



dismissed accordingly. However, there shall be no order as to costs.

(Ajanta Dayalan)
Member (A)

Place: Chandigarh
Dated: February 9th, 2021
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