

CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH

Original Application No. 180/01000/2018

Thursday, this the 23rd day of September, 2021

CORAM:

Hon'ble Mr. P. Madhavan, Judicial Member
Hon'ble Mr. K.V. Eapen, Administrative Member

Petrishia Thomas, aged 53 years, W/o. (late) Thomas K.,
 Telecom Mechanic/Telephone Exchange/Bharat Sanchar
 Nigam Limited/Alappuzha Telecom Division), Residing at :
 Koyithara, Thycatusseri P.O., Cherthala, Alappuzha District,
 Pin – 688 528. **Applicant**

(By Advocate : Mr. T.C. Govindaswamy)

V e r s u s

1. The Chairman-cum-Managing Director, Bharat Sanchar Nigam Ltd.,
 Corporate Office, New Delhi – 110 001.
2. The Chief General Manager Telecom, Bharat Sanchar Nigam
 Limited, Kerala Circle, Thiruvananthapuram – 695 033.
3. The General Manager (Telecom Division), Bharat Sanchar Nigam
 Limited (BSNL), Alappuzha – 688 011. **Respondents**

(By Advocate : Smt. Girija K. Gopal)

This application having been heard on 20.09.2021 through video
 conferencing, the Tribunal on 23.09.2021 delivered the following:

O R D E R

Hon'ble Mr. P. Madhavan, Judicial Member –

This is an Original Application filed by the applicant seeking the
 following reliefs:

*“(i) Call for the records leading to the issue of Annexure A1 and quash
 the same;*

*(ii) Declare that the applicant is entitled to be considered for an
 appointment on compassionate grounds and direct the respondents to
 consider the applicant and grant her an appointment on compassionate*

grounds, commensurate with her educational qualifications, within a time frame as might be found just and proper by this Hon'ble Tribunal;

(iii) Award costs of and incidental to this application;

(iv) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case."

2. The applicant is the wife of late deceased K. Thomas who was working as Telecom Mechanic in Alapuzha Telecom Division. According to her, late K. Thomas passed away on 20.12.2009. The applicant in this case has preferred an application for compassionate appointment but the respondents have rejected her request as per Annexure A1 letter stating that the points received by her does not indicate any indigence and hence she cannot be considered for compassionate appointment. Aggrieved by the above order, the applicant has come up with this OA. According to the applicant, when her husband died his family consisted of the unemployed applicant and one unmarried minor daughter who was aged only 16 years. The death was due to sudden heart attack and the family pension was too meager for a decent existence. The family lost their only source of livelihood. The retirement benefits had to be spent for the repayment of loans availed by the deceased employee for construction of their house and to close the two wheeler loan etc. The applicant had produced the receipts for the payment of loan to Housing Development Finance Corporation and the loan paid for two wheeler as Annexures A2 and A3. The applicant has also produced the OM relating to the guidelines for compassionate appointment dated 27.6.2007 as Annexure A5. After paying all the liabilities the applicant got only Rs. 3-4 Lakhs left in her hand. According to the applicant the rejection of the applicant's case is arbitrary, discriminatory and

against the scheme prepared for the compassionate appointment.

3. The respondents entered appearance and filed a detailed reply statement denying the allegations made against them. According to them the scheme for compassionate appointment was prepared in the year 1958 and is governed by the rules and regulations framed by the Ministry of Personnel, Public Grievances & Pension, Government of India. The Department of Personnel & Training had issued instructions regarding the compassionate appointment as per OM dated 9.10.1998 which is produced as Annexure R1(a). The object was to grant appointment on compassionate ground to a dependent family member who died while in service. 5% of the vacancies were set apart for giving appointment on compassionate grounds. The BSNL had prepared a detailed scheme for giving compassionate appointment as per Annexure R1(b) and the scheme clearly shows how the weightage points have to be granted and the Department has considered all the income which can be considered for the same and came to the finding that the applicant is entitled to get only 54 points. As per the scheme only those who receive points above 55 can be considered for compassionate appointment and therefore, the applicant could not get compassionate appointment. There is no arbitrariness or illegality committed by the respondents in this case.

4. We have heard both sides and gone through the pleadings and documents produced in this case. On a perusal of the reply statement filed by the respondents it can be seen that the scheme prevailing at the time of consideration was Annexure R1(b) and the assessment points for recommendation of indigent condition of the family by Circle High Power

Committee shall be cases with marks 55 points or above. In this case the applicant has got only 54 points and she could not be accommodated. The respondents have produced the details of the weightage points received by the applicant which is as follows:

Sl. No.	Item	Points received	Remarks
1.	Dependent's weightage	15	As per status of the dependents
2.	Basic family pension (pre-revised)	8	Rs. 3251-3500 → 8
3.	Left out service	12	12 years → 12
4.	Applicant's weightage	15	Wife is the applicant → 15
5.	Terminal benefits	4	Rs. 6 lakhs to \leq 7 lakhs → 4
6.	Accommodation	0	Own house / no liability of paying rent → 0
7.	Monthly income (negative points)	0	Additional income up to 4000 p.m. → 0
8.	Belated requests (negative points)	0	0 to \leq 5 years → 0
	Total points	54	< 55 points - Ineligible

5. The applicant got only 54 points and the Circle High Power Committee found that the applicant as ineligible. The main contention put forward by the applicant in this case is that lot of money had to be spent for repayment of loans taken for house construction, purchase of two wheeler, etc. and amount left in retirement benefits comes to only Rs. 3-4 lakhs. According to her no marks were given for her on the question of accommodation since there is a house constructed by the deceased employee. According to the counsel for the applicant the merit points given is not proper and cannot be accepted.

6. We have carefully gone through the details provided by the respondents and the reasons for rejecting the application of the applicant for

giving compassionate appointment. The respondents had given all weightage points during the consideration and it was found that she got only 54 points and that she cannot be considered for compassionate appointment. As per the scheme only persons having more than 55 merit points can be considered for compassionate appointment. The assessment adopted by the respondents for ascertaining the indigency of the applicant is also fair and it does not call for any interference. We find that the procedure adopted by the respondents is clearly in accordance with the scheme prepared for BSNL i.e. Annexure R1(a) and we do not find any reason to interfere with.

7. In view of the above, we find that there is no merit in the contentions raised by the applicant herein. Accordingly, the Original Application is dismissed. No order as to costs.

(K.V. EAPEN)
ADMINISTRATIVE MEMBER

(P. MADHAVAN)
JUDICIAL MEMBER

“SA”

Original Application No. 180/01000/2018**APPLICANT'S ANNEXURES**

Annexure A1 – True copy of communication bearing file NO. ES/9-29/2011/6 dated 14.6.2018, issued from the office of the 2nd respondent.

Annexure A2 – True copy of loan repayment receipt bearing No. 3822 dated 5.8.2010 for Rs. 1,03,560/- issued by the Central Bank of India, Perumanur Branch towards credit of collection account of Housing Development Finance Corporation Limited.

Annexure A3 – True copy of payment voucher dated 18.9.2010 for Rs. 19,362/- issued by the Canara Bank.

Annexure A4 – True copy of letter bearing No. ST-38/CGA/2017-18/29/7 dated 2nd July, 2018, issued by the 3rd respondent.

Annexure A5 – True copy of communication bearing No. 273-18/2005-Pers.IV dated 27.6.2007, issued from the office of the 1st respondent.

RESPONDENTS' ANNEXURES

Annexure R-1(a) – True copy of the instructions issued by the Ministry of Personnel, Public Grievances & Pension, Department of Personnel and Training, Govt. of India under letter No. 14014/6/94-Estt(D) dated 9th October, 1998.

Annexure R-1(b) – True copy of the letter No. 273-18/2005-Pers. IV dated 27.6.2007.

Annexure R-1(c) – True copy of the letter No. 268-79/2002-Pers.IV dated 27.12.2006.

Annexure R-1(d) – True copy of the income certificate issued by the Tahsildar.

Annexure R-1(e) – True copy of the possession certificate issued by Village Officer.