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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR**

Original Application No.379/2011

Jodhpur, this the 12th April, 2013

CORAM

HON'BLE MR. JUSTICE KAILASH CHANDRA JOSHI, MEMBER (J)
HON'BLE MS. MEENAKSHI HOOJA, MEMBER (A)

Om Prakash Prajapat S/o Late Shri Jagdish Prasad, by caste Kumhar, aged 24 years, R/o Shastri Nagar, Ratangarh, District Churu. (Father of the applicant was working as a Lineman under the respondent No.3.)

.....Applicant

Mr.S.S. Gaur, counsel for applicant.

Vs.

1. Bharat Sanchar Nigam Ltd. through CMD, BSNL Bhawan, Harish Chandra Mathur Lane, Janpath, New Delhi.
2. Chief General Manager, Rajasthan Telecom Circle, Sardar Patel Marg, Jaipur.
3. General Manager (Administration), Office of General Manager (Telecom), Sri Ganganagar.
4. Assistant General Manager (Recruitment), Office of Chief General Manager (Telecom), Rajasthan Circle, Sardar Patel Marg, "C" Scheme, Jaipur.

...Respondents

Mr. D.P.Dhaka, present, on behalf of
Mr. Vinit Mathur, counsel for respondents No.1,2&4.
Ms. K. Praveen, counsel for respondents.

ORDER (ORAL)

Per Justice K.C. Joshi, Member (J)

By way of this application, the applicant has challenged the legality of order at Annexure-A/1 by which his case for appointment on compassionate grounds has been rejected by the competent authority.

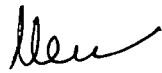
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2. The short facts of the case, as averred by the applicant, are that the father of the applicant late Shri Jagdish Prasad was serving on the post of Lineman and was posted at BSNL, Sri Ganganagar, and died on 25.02.2008 leaving behind his family in harness and in penury and without any means of livelihood. The deceased employee left behind his wife (mother of the applicant), who is suffering from cancer, and three sons. After the death of deceased employee, the mother alongwith present applicant submitted an application for appointment of applicant on compassionate grounds, on 15.05.2008. The applicant was asked to submit the documents vide order dated 16.10.2008, and the same were submitted by the applicant. The respondent authority has rejected the claim of the applicant without considering the indigent conditions of the family. The respondents have not supplied him copy of the merit chart of the candidates who applied for appointment on compassionate grounds which was prepared by the High Power Committee after awarding marks to the other candidates who had also submitted their applications for appointment on compassionate ground. On this ground, the applicant challenged the legality of the Annexure-A/1 order.

3. By way of reply the respondents denied the claim of the applicant and averred that the case of the applicant was considered vis-à-vis to other eligible candidates and applicant was allotted the marks as per the policy of the respondent department.

4. We have perused the record and considered the rival contentions of both the parties. The applicant in his application has

averred that he has not been provided the copy of the chart showing the marks allotted by him vis-à-vis to other candidates allotted by the High Power Committee and, therefore, he has challenged the legality of the order only on this ground. We are proposing to dispose of this OA with a direction to the respondent department to supply a copy of the minutes of the proceedings of the High Power Committee along with the marks obtained by the applicant vis-à-vis other similarly situated persons within a period of three months from the date of receipt of a copy of this order. In case, the applicant has any grievance, then he is in liberty to approach this Tribunal to file a fresh OA for any fresh cause of action. No order as to costs.



[Meenakshi Hooja]
Administrative Member



[Justice K.C. Joshi]
Judicial Member