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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

O.A. No. 101/2012

Jodhpur this the 30th day of May, 2013.

CORAM

Hon'ble Mr.Justice Kailash Chandra Joshi, Member (J)

Bharat Bheem S/o Late Shri Bhera Rám Bhim by caste – Raika, age – 23 years, Resident of Kerala Station, village – Chotila Panchayat Samiti, Rohat, District-Pali marwar, [Rajasthan] [Telephone Mechanic]

.....Applicant

(Through Advocate Mr. P.D. Bohra)

Versus

1. Bharat Sanchar Nigam Limited through its Chief General Manager, Telecom Rajasthan circle, Sardar Patel Marg, Jaipur -8
2. General Manager, Bharat Sanchar Nigam Limited, Telecom Department, District- Pali-Marwar, [Rajasthan]
3. Assistant General Manager [HR & Admn.] Bharat Sanchar Nigam Limited, Office of the GMTD, Pali Marwar [Rajasthan]

(Through Advocate Ms K. Parveen)

.....Respondents

ORDER (Oral)

By way of this application, the applicant has challenged the legality of the rejection order of the candidature of the applicant for appointment on compassionate grounds on account of death of his father while in service. The applicant prays that the respondents may be directed to consider the application of the applicant as per rule and further any other appropriate order, which deems just and proper in favour of the applicant.

2. The short facts of the case are that father of the applicant, late Shri Bhera Ram was employee of the respondents on the post of Telephone Mechanic and he died on 11.12.2005 while in service. After the death of the father of the applicant, the applicant applied for compassionate appointment but his case was never forwarded to the higher authorities and the respondent-department did not give him any information. The applicant sent a legal notice of demand of justice on 01.11.2011 stating that he is not having any residential plot or house. The respondents while replying the above notice rejected the claim of the applicant for compassionate appointment. Being aggrieved by the above rejection order Annex. A/1, the applicant preferred this OA.

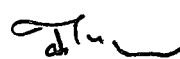
3. By way of counter, the respondent-department contended that case of the applicant for appointment on compassionate grounds was put before the Circle High Power Committee duly constituted for the purpose. The said Committee considered the case of the applicant in detail and observed that in overall assessment as per existing compassionate ground appointment policy, the family of the ex-employee has not been found to be living in indigent condition and, therefore, his application was not considered. The respondent-department also took a specific plea of limitation in its reply. It has been averred in the reply that application of the applicant was considered as per the assessment criteria for recommendation of the indigent condition of the family by the Circle High Power Committee and a candidate having less

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than 55 points shall be treated as non-indigent. As per the weightage point system, the applicant got only 50 net points, therefore, his case did not come under the indigent category. The applicant was informed accordingly and the report of the visiting officer dated 25.03.2010 has been annexed with the reply.

4. Perused the record and considered the contentions raised in the pleadings. The applicant in his application has averred that he is living in indigent condition and having no income from other sources whereas Circle Screening Committee came to the conclusion that the applicant owns a agriculture land and residential plot and on account of that immovable property his case was rejected after considering as per the policy in vogue.

5. In my considered view, the case of the applicant was considered and he was informed about the result or the marks obtained by him. The report of the visiting officer Annex. R/4 which has also been take into consideration by the respondent-department shows that the applicant concealed the material fact. Accordingly, Circle Screening Committee considered the case of the applicant in accordance with relevant rules and policies and rejected the same. I find no illegality or infirmity in that. Therefore, this OA stands dismissed with no order as to costs.


(Justice K.C. Joshi)
Judicial Member