

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.128/2013

Jodhpur this the 3rd day of July, 2014

CORAM

**Hon'ble Mr.Justice Kailash Chandra Joshi, Member (Judicial),
Hon'ble Ms. Meenakshi Hooja, Member (Administrative)**

Anil Kumar Matoliya s/o Late Shri Satya Narain Matoliya, aged about 24 years, r/o Shingoli Shyam Mohalla, Mandal, District Bhilwara (Rajasthan).

.....Applicant

By Advocate: Shri Sunil Purohit on behalf of Shri Manoj Bhandari

Versus

1. Union of India through the Secretary, Ministry of Telecommunication and Information Technology, Bharat Sanchar Bhawan, Janpath, New Delhi.
2. The Chief General Manager, Rajasthan Telecom Circle, BSNL, Sardar Patel Marg, C-Scheme, Jaipur
3. The Chairman and Managing Director, B.S.N.L., 36, Harish Chandra Mathur Lane, New Delhi.
4. Assistant General Manager (Recruitment), B.S.N.L. Jaipur

.....Respondents

By Advocate : Shri D.P.Dhaka on behalf of Shri V.K.Mathur

ORDER (Oral)

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

The present OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging the order

~
d

dated 27.6.2012 (Ann.A/1) communicated to him vide letter dated 3.7.2012 by which his claim for appointment on compassionate grounds has been rejected.

2. Brief facts of the case, as stated by the applicant, are that his father late Shri Satya Narain Matoliya was working as Telecom Mechanic in the respondent department and absorbed in the B.S.N.L. w.e.f. 01.10.2000. Father of the applicant expired on 12.12.2006. After death of his father, the applicant applied for appointment on compassionate grounds vide application dated 8.1.2007 but when he did not receive any communication, he has sought information about consideration of his case. Thereafter, the application submitted by the applicant was processed and the applicant has also submitted all requisite documents. It has been averred that as per the eligibility criteria for compassionate appointment, an incumbent should have secured 55 or more weightage points, but the applicant is having much more than the requisite 55 weightage points, because the name of the applicant was forwarded by the Assistant General Manager to GMTD, Bchildwara and as per the check list and the weightage point system for assessment of indigent condition, he secured much more than 55 weightage points. The applicant has been informed vide letter dated 3.7.2012 that vide communication dated 27.6.2012, his case has been considered by the authorities and the same has been rejected. The applicant has further averred that it is clear from the record that the action of the respondents in rejecting case of the applicant for appointment on compassionate ground is not only

arbitrary but it is absolutely illegal and perverse. Hence, the applicant has filed this OA praying for the following reliefs:-

- i) by an appropriate order or direction the communicated dated 27th June, 2012 as communicated to the applicant on 3rd July, 2012 may kindly be declared illegal and be quashed and set aside.
- ii) By an appropriate order or direction, the respondents be directed to consider and grant compassionate appointment to the applicant on appropriate post commensurate to his qualification and eligibility with all consequential benefits.
- iii) Any other appropriate order or direction which this Hon'ble Tribunal may deem fit just and proper in the facts and circumstance of the case may kindly be passed in favour of the applicant.

3. By way of reply, the respondents have denied the right of the applicant and submitted that the case of the applicant for compassionate appointment was put up before the Circle High Power Committee (Circle HPC) on 20.9.2010 to consider the same as per the guidelines issued by the DOPT vide OM dated 9.10.1998 and as per BSNL Corporate Office, New Delhi letter dated 27.6.2007. As per letter dated 27.6.2007, in the cases with net point 55 or more, the minutes of the Circle HPC will be sent to BSNL Corporate Office for consideration and decision on appointment on compassionate appointment and in cases with net point below 55 shall be treated as non-indigent and are rejected. The applicant scored 64 weightage points but the BSNL Corporate office, New Delhi did not find him eligible for compassionate ground appointment vide letter dated 15.6.2012. The BSNL Corporate High Power Committee did not agree to offer compassionate ground appointment to the applicant and

recommended for rejection of the request. Therefore, the applicant is not entitled to any relief.

4. The applicant has filed rejoinder to the reply filed by the respondents reiterating the averments made in the OA.

5. Heard both the parties. As per Ann.R/6, the case of the applicant was considered by the High Power Committee of BSNL Corporate Office and this Committee rejected the case of the applicant after considering the relevant facts as well as the rules, as he was not found fit for compassionate appointment. The order Annex. R/6 refers that each applicant may be informed of the above decision through a speaking order. The respondent department vide Annex. A/1 informed the applicant that his case for compassionate appointment has been rejected and copy of the letter dated 27.06.2012 has been enclosed with Annex. A/1. The documents submitted by the applicant at Annex. A/1 do not refer that how marks allotted by the Circle HPC have been considered by the High Power Committee of BSNL Corporate Office and how the marks allotted by the Circle HPC were not in accordance with the prescribed policy or rules. The respondents in their letter dated 27.06.2012 (Annex. A/1) have simply informed the factual position only that while looking to the property of the family, liability of the deceased Govt. servant and other long term liabilities, the Committee do not agree to the proposal submitted by the Circle HPC. In our considered view, the High Power Committee of BSNL Corporate office should have analyzed each and every point of the Circle HPC

and the marks allotted on each count and then the applicant should have been informed by a reasoned and speaking order accordingly. As Annex. A/1 dated 03.07.2012 and 27.06.2012 do not contain the above referred points, therefore, the order Annex. A/1 appears to be bad in the eyes of law and is liable to be set aside.

5. Accordingly, Ann.A/1 dated 03.07.2012 and 27.06.2012 are set aside and resultantly the OA is allowed with the direction to respondents to inform the applicant by a reasoned and speaking order within 3 months from the date of receipt of this order. There shall be no order as to costs.


(MEENAKSHI HOOJA)
Administrative Member


(JUSTICE K.C.JOSHI)
Judicial Member

R/ss

Mr. V.K. Nether
114

Rec'd.
G.W.
10/21/14