

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Original Application No.15/2013

Jodhpur this the 5th day of May, 2014.

CORAM

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

Kumar Puneet Vashishth s/o late Shri Parmeshwar Prasad
Sharma, r/o Adarsh Colony, Ward No. 26, Sujangarh, District
Churu (Rajasthan), his father was CTR in BSNL Churu under resp.
No.5

.....Applicant

(Through Advocate: Mr. N.S.Khileri)

Versus

1. Union of India through the Secretary, Department of
Telecommunication, Government of India, Secretariat, New
Delhi.
2. The Chief Managing Director, Bharat Sanchar Nigam Limited,
Bharat Sanchar Bhawan, Janpath, New Delhi.
3. The Chief General Manager, Bharat Sanchar Nigam Limited,
Rajasthan Telecom Circle, Sardar Patel Marg, C-Scheme,
Jaipur
4. The Assistant General Manager (Recruitment), Bharat Sanchar
Nigam Limited, Sardar Patel Marg, C-Scheme, Jaipur
5. The General Manager, Telecom District, Bharat Sanchar Nigam
Limited, Churu

.....Respondents

(Through Advocate: Mr. S.K.Mathur)

ORDER (ORAL)Per Justice Kailash Chandra Joshi, Member (J)

By way of filing the present OA u/s 19 of the Administrative Tribunals Act, 1985, the applicant has prayed that the impugned letters dated 19.2.2011 (Ann.A/1) and 22.3.2011 (Ann.A/2, and 9/14.9.2012 (Ann.A/2A) may kindly be quashed and set aside and the respondents may be directed to give appointment to the applicant on compassionate ground commensurate to his qualification from the date of submitting his application with all consequential benefits.

2. Facts in brief, as stated by the applicant, are that father of the applicant was working on the post of Senior T.O.A. (G) in the respondent department and he died on 30.5.2010 leaving behind the following legal heirs:-

1. Smt. Sharda Devi -wife
2. Smt. Licchma Devi -mother (now died)
3. Kumar Vikas Vashishth - son
4. Kumar Puneet Vashishth- son
5. Smt. Vimla Devi - Sister (widow)
6. Smt. Sushila Devi -Sister (widow)

After death of father of the applicant, his mother applied for grant of appointment on compassionate grounds. Thereafter the applicant submitted application form in the prescribed proforma and also submitted requisite documents. The applicant has stated that the Sub Divisional Engineer has recommended the case of the applicant

for grant of compassionate appointment on 9.11.2010 but vide letter dated 19.2.2011 (Ann.A/1) the respondents rejected the application of the applicant on the ground that the applicant got 19 weightage points whereas minimum requirement is 55 weightage points. The applicant has stated that vide the impugned letter dated 19.2.2011, the applicant has been denied appointment on compassionate grounds as he obtained only 19 weightage points whereas the minimum requirement is for 55 weightage points but in this letter it is not made as to how these 19 points have been awarded, therefore, the impugned letter is baseless and deserves to be quashed and the respondents may be directed to appoint the applicant on compassionate grounds.

3. By way of filing reply to the OA, the respondents have submitted that the appointment could not be given because the applicant got only 19 weightage points whereas the minimum requirement is 55 points for consideration of appointment by the Higher Power Committee as per BSNL Company, New Delhi letter dated 27.6.2007. It has been further submitted that there is no weightage point for educational qualification and the widow sisters of the deceased do not come within the family of the deceased employee. The respondents have further submitted that recommendations of SDE vide Ann.A/9 do not give any right as the appointment is given on the basis of weightage points after due process and consideration by the CHPC and HPC of BSNL Company, New Delhi as per rules on the subject. As per the weightage point system, under the dependent column 5 to 30 points are given and since in the application only three dependents

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are shown, accordingly 15 points were awarded and when the basic family pension is above Rs.4250 then no mark is awarded. Further, since the left out service of the deceased employee was 4 years 3 months and one day, therefore, four points were given to the applicant on this account. In the case of the candidate applying for appointment is wife, 15 points are given, but in the present case the candidate is son, hence no point could be given. Further, with regard to terminal benefit, it is submitted that if the terminal benefits are more than 10 lacks, no point is given and since the applicant is living in his own house, hence no point on this aspect is given. In view of above, the applicant could not get the required weightage points, therefore, he is not entitled to appointment on compassionate grounds and the impugned orders are issued as per rules and are just and fair.

4. Heard both the parties. Counsel for the applicant contended that mother of the applicant is suffering from Cancer and two sisters of the deceased employee being widows were dependent upon the employee and now upon the applicant. The applicant has no source of livelihood and is facing starvation. The family is in indigent condition, therefore, the applicant is entitled to get appointment on compassionate grounds.

5. Per contra, counsel for the respondents contended that the applicant could not be given appointment because he got only 19 weightage points as against the minimum 55 points for consideration as per BSNL Corporate Office letter dated 27.6.2007. Counsel for the

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respondents further contended that the family is getting basic family pension to the tune of Rs.12635/-, therefore, it is not correct that the applicant is facing starvation.

6. Considered the rival contention of the parties and have gone through the material available on record. The respondent department has introduced weightage point system to bring uniformity in assessment of indigent condition of the family and according to this system, the applicant could get only 19 weightage points whereas the minimum requirement is 55 points. According to this criteria, most indigent cases are considered and it is not the case of the applicant that less indigent cases in comparison to the applicant have been considered and offered appointment by the respondents. The applicant did not fulfill the minimum criteria as per the BSNL letter dated 27.6.2007 and the respondents considered more deserving cases in comparison to the applicant, therefore, no interference is required in the matter.

7. Accordingly, the OA lacks merit and the same is dismissed with no order as to costs.


(MEENAKSHI HOOJA)
Administrative Member


(JUSTICE K.C. JOSHI)
Judicial Member

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Sushil Kumar
12/5/14