

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00306/14

Reserved on : 15.07.2016

Jodhpur, this the ¹² day of July, 2016

CORAM

Hon'ble Dr. Murtaza Ali, Judicial Member

Hon'ble Ms Praveen Mahajan, Admn. Member

Madhu Ram S/o Lt. Shri Mishri Lal, Aged about 39 years, Resident of Village-Balesar Stta, Tehsil - Shergarh, Dist. Jodhpur, Rajasthan.

The mother of the applicant was working as full time casual labour in the respondent-department.

.....Applicant

By Advocate: Mr D.S. Sodha proxy counsel.

Versus

1. Bharat Sanchar Nigam Limited, (Govt. of India Enterprise) through its, Chief Managing Director, BSNL, New Delhi.
2. The General Manager, Telecom District, BSNL, 2nd, C-Extension, Kamla Nehru Nagar, Jodhpur.
3. The Sub Divisional Engineer, BSNL, Tehsil-Balesar, District-Jodhpur.

.....Respondents

By Advocate : Mr S.K. Mathur.

ORDER

Per Dr Murtaza Ali

The present OA has been filed u/s 19 of the Administrative Tribunals Act, 1985 seeking to quash the impugned order dated 09.07.2014 (Annex. A/1) and for a direction to the respondents to

reconsider the case of applicant and give him appointment on compassionate ground.

2. The facts in brief are that the mother of applicant was working as full time casual labour in the respondents' department and her name was recommended for regularization of services by the Departmental Selection Committee in its meeting held on 28.04.2014 and who died in harness on 02.05.2014. The applicant applied for compassionate appointment and he was awarded 67 points out of 100 but his claim was rejected on the ground that the services of his mother were not regularized. The applicant preferred OA No. 132/2009 which was allowed on 08.12.2010 and the rejection letter dated 11.08.2004 was quashed and respondents were directed to reconsider the case of the applicant for compassionate appointment in the light of decision in Smt. Gita Devi's case. The respondents again rejected the claim of the applicant on the same ground vide letter dated 25.06.2011 and the applicant preferred contempt petition No. 65/2001. During pendency of contempt petition, the respondents passed an order dated 09.07.2014 rejecting the claim of the applicant on the ground that he secured less than 55 points and as such he cannot be granted compassionate appointment. It has been alleged that the respondents have wrongly assessed the weightage point

3. In the reply filed on behalf of respondents, it has been admitted that the mother of the applicant was working as full time casual labour who died on 02.05.2014 while in service. It has further been stated that she could not be regularized due to non-submission of requisite documents and therefore, the application for compassionate appointment was earlier rejected. The case of the applicant was reconsidered by the High Power Committee in compliance of order dated 08.12.2010 passed in OA No. 132/2009. The applicant could secure only 41 points which were less than the bench mark of 55 marks as per guidelines issued by BSNL Corporate Office. Hence, having not found to be living in indigent condition and considering the overall assessment, the claim of the applicant was rightly rejected on the recommendation of Circle High Power Committee.

4. Heard Mr D.S. Sodha, Counsel for applicant and Mr S.K. Mathur, Counsel for respondents and also perused the record.

5. Ld. counsel for applicant argued that the respondents had earlier calculated the weightage points as 67, which could not be altered on reconsideration. It has also been contended that the earlier rejection order was based only on the ground of non-

order has already been quashed vide order dated 08.12.2010 passed in OA No. 132/2009.

6. Ld. counsel for respondents pointed out that earlier, the applicant was awarded wrong wightage points mainly under the category of dependents and he was awarded 30 points which included the points for daughter-in-law, grand-sons and grand-daughter, who were not actually dependent on the deceased and could not be deemed his dependent. On re-consideration, the applicant could secure 41 points only and thus, the claim of the applicant has rightly been rejected on the ground of not securing even minimum 55 points.

7. On perusal of application for compassionate appointment preferred by the applicant (Annex. A/2) we find that the applicant had shown following dependents on his deceased mother :

- (i) Madhuras - Son
- (ii) Smt. Somvati - Daughter-in-law
- (iii) Narpat - Grand-Son
- (iv) Sarvan - Grand-Son
- (v) Mahavir - Grand-Son
- (vi) Kum. Mamta - Grand-Daughter

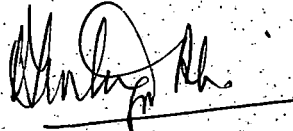
8. We also find that earlier, the Circle High Power Committee considered all the above persons dependent on the deceased

09.10.1998, daughter-in-law, grand-daughter and grand-son could not be treated as dependents. Ld. Counsel for applicant has failed to convince us about the correctness of earlier check list prepared with reference to weightage points system in which he was given 30 points treating daughter-in-law, grand-son and grand-daughter as dependents of the deceased. Thus, we find no reason to interfere in the impugned order dated 09/10.07.2014 which is based on correct assessment of points secured by the applicant.

9. Accordingly, OA is dismissed. No costs.


[Praveen Mahajan]
Administrative Member

Ss/-


[Dr Murtaza Ali]
Judicial Member