

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00093/14 with MA 290/00152/14

Reserved on : 15.07.2016

Jodhpur, this the ^{25th} day of July, 2016

CORAM

Hon'ble Dr. Murtaza Ali, Judicial Member

Hon'ble Ms Praveen Mahajan, Admn. Member

Suresh Chandra Rangi S/o Late Shri Dharma Ram Rangi, Aged about 26 years, b/c Rangi (SC), R/o Vill + PO – Meghwalo ka Bas, Sumerpur, District – Pali. (Late Shri Dharma Ram Rangi was posted at Udaipur under BSNL as TM).

.....Applicant

By Advocate: Mr S.P. Singh.

Versus

1. Bharat Sanchar Nigam Limited through the Chief General Manager, Telecommunication, Rajasthan Telecom Circle, Sardar Patel Marg, Jaipur.
2. The Asstt. General Manager (LE), 5th Floor, Bharat Sanchar Bhawan, Janpath, New Delhi – 110 001.
3. Asstt. General Manager (Rectt), BSNL O/o Chief General Manager CGMT, Rajasthan Circle, Sardar Patel Marg, 'C' Scheme Jaipur – 302 008.
4. Smt. Yashoda Peon, O/o General Manager, BSNL, Subhash Nagar, Pal Road, Jodhpur.

.....Respondents

By Advocate : Mr B.L. Bishnoi proxy counsel.

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 29.05.2012 (Annex. A/1) and 30.04.2012 (Annex. A/2) and also a direction for the respondents to provide him compassionate appointment to the applicant.

2. The applicant has also filed MA No. 290/00152/14 alongwith an affidavit for condonation of delay in filing the OA. It has been stated that the impugned letter dated 29.05.2012 was never sent to the applicant and it was mentioned by the respondents in the reply to the legal notice served upon them. The applicant came to know about the said letter through a letter dated 15.05.2013 and he filed the present OA on 04.03.2014 for quashing the impugned order dated 29.05.2012. In the reply to the MA filed on behalf of applicant, it has been stated that the applicant was informed through his concerned Unit about the letter of Corporate Office and there is no ground to condone the delay. Considering all the facts and circumstances we are of the view that there are sufficient reasons to condone the delay in filing the OA. Accordingly, MA No. 290/00152/14 is allowed and delay is condoned.

3. The facts in brief are that the father of the applicant late Shri Dharma Ram was working as Telephone Mechanic in BSNL at Udaipur who died in an accident on 04.05.2007 while in service. The applicant preferred an application for compassionate appointment in the month of June, 2008. The Circle High Power Committee (CHPC) considered his case and awarded 61 points and recommended his name for compassionate appointment but the claim of applicant was rejected vide letter dated 29.05.2012 which was communicated to him vide letter dated 15.05.2013. It has been alleged that the applicant is suffering from great financial hardship and indigent conditions are still existing. It has been stated that his name was at serial number 19 in the list of recommended candidates, but ignoring the claim of applicant, the candidate at serial number 25 has been given compassionate appointment without disclosing any reason or ground whatsoever.

4. In the reply filed on behalf of respondents, it has been admitted that the case of applicant for compassionate appointment was considered by the Circle High Power Committee on 14.05.2010 as per guidelines issued by DoPT OM dated 09.10.1998 and in accordance with BSNL letter dated 27.06.2007. The applicant scored 61 points and considering him

letter dated 31.05.2010. The Corporate Office did not find him eligible for compassionate appointment and rejected the claim of the applicant vide letter dated 30.04.2012. It has also been submitted that Smt Yasoda scored 75 points and as she was found more deserving than the applicant and was accordingly appointed on compassionate ground.

5. In the rejoinder, the applicant has reiterated the averments made in the OA and further submitted that the respondents have not supplied the comparative points awarded to each candidate considered by the Circle High Power Committee and he came to know about the rejection of his application through a reply received under RTI Act, 2005.

6. Heard Mr S.P. Singh, Ld. counsel for applicant and Mr B.L. Bishnoi, Ld. counsel for respondents and also perused the record.

7. Ld. counsel for the applicant contended that the Circle High Power Committee was the final authority to determine the indigent condition of the family of deceased, which considered the claim of applicant and his name was placed at serial number 19. But the Corporate Office without considering the indigent condition of family of the applicant has wrongly rejected the claim

of applicant and appointed a candidate placed at serial number 25 in the list submitted by Circle High Power Committee.

8. Ld. counsel for the respondents contended that as per Corporate Office letter dated 27.06.2007 (Annex. R/1), the recommendations received from Circle High Power Committee (were placed before High Power Committee of Corporate Office which considers and decides such cases with the approval of CMD, BSNL. As the applicant scored 61 points and the selected candidate Smt. Yashoda (respondent No. 4) scored 75 points, therefore, the High Power Committee of Corporate Office after considering assets and liabilities of family of the official, support arrangements and overall assessment of the condition of the family did not find the applicant more deserving than Smt Yashoda who scored 75 points, for appointment on compassionate grounds.

9. The relevant para of BSNL Corporate Office letter dated 27.06.2007 (Annex. R/1) is being reproduced below:

"4.0. A Circle High Power Committee (CHPC) consisting of Circle Head and two other officers of SAG/JAG level, nominated by Circle Head, shall consider applications for appointment on compassionate grounds as per wightage point system. In the case with net points 55 or more, the minutes of the Circle HPC will be sent to BSNL Corporate Office alongwith supporting documents including the check-list, for consideration and In the case with the net points below 55 (i.e.

such compassionate ground appointment request will be rejected by the Circle. The applicant will be intimated about rejection of the request by the concerned circle through a speaking order.

5.0 Where there is a problem in attributing points on any of the aspects due to peculiar circumstances in any specific case, the same may also be sent to BSNL Corporate Office alongwith supporting documents, including the check-list, for consideration and decision by Corporate Office.

6.0 Any appeal for re-consideration of the already rejected case will also be considered according to the weightage point system. If in any appeal case, net points come to 55 or more, the complete case alongwith check-list may be sent to the Corporate Office for decision.

7.0 The High Power Committee of the Corporate Office will consider and decide the cases, forwarded by Territorial Circles, with the approval of CMD, BSNL."

10. From the perusal of above, it is clear that the CHPC is not the final authority for appointment on compassionate ground but on the recommendation received from CHPC, the HPC of the Corporate Office considers the cases of compassionate appointment with the approval of CMD, BSNL. It is not disputed that the CHPC held its meeting on 14.05.2010 and two lists were forwarded to the Corporate Office of the BSNL. Name of those candidates who scored more than 55 marks were recommended by the CHPC to the Corporate Office, BSNL, New Delhi for taking final decision/approval from the competent authority. The list contained the names of 31 candidates and it has also been clarified by the respondents that the said list is not in order of

As per Corporate Office letter dated 27.06.2007, the HPC

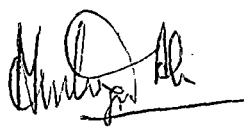
finally approved the name of Smt. Jashoda who scored more points than the applicant. Ld. counsel for applicant has failed to point out that any person scoring less marks than the applicant has been considered by the CMD, BSNL and was given appointment accordingly.

11. Considering all the facts and circumstances of the case we are of the view that the applicant has failed to convince us that CHPC is a final authority for appointment on compassionate ground and since the HPC of Corporate Office which finally considers and decides the name of candidates for appointment on compassionate ground. It is also seen from the impugned letter dated 29.05.2012 (Annex. A/1) that the HPC of Corporate Office considered the recommendations received from the HPC and finding more deserving person than the applicant, the application of applicant for compassionate appointment was rightly rejected. Thus, we find no reason to interfere with the letter dated 30.04.2012 and 29.05.2012.

10. Accordingly, the OA is dismissed. There is no order as to costs.


[Praveen Mahajan]
Administrative Member

Ss/-


[Dr Murtaza Ali]
Judicial Member