

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 130 of 2013

Wednesday, this the 8th day of January, 2014

CORAM:

Hon'ble Mr. Justice A.K. Basheer, Judicial Member

Aneesh T.K., Aged 28 years, S/o. Late Thankappan Pillai B.,
 Residing at Padinjareplavila Puthen Veedu, Parakunnu (PO),
 Navaikulam, Thiruvananthapuram District, Kerala State,
 Pin – 695 603. **Applicant**

(By Advocate – Mr. M.V. Thamban)

V e r s u s

1. The Secretary, Ministry of Communication and Information Technology, Government of India, New Delhi, Pin – 110 001.
2. Bharat Sanchar Nigamam Limited, represented by the Chairman and Managing Director, Bharat Sanchar Bhavan, Janpath, New Delhi, Pin – 110 001.
3. The Assistant General Manager, BNSL Corporate Office, New Delhi, Pin – 110 001.
4. The Chief General Manager (Telecom), Kerala Telecom Circle, Thiruvananthapuram, Pin – 695 033.
5. The Principal General Manager, Bharat Sanchar Nigamam Limited, Thiruvananthapuram Telecom District, Thiruvananthapuram, Pin – 695 001.
6. The Assistant General Manager (Admn), Office of the Principal General Manager, BSNL, Thiruvananthapuram, Pin – 695 001. **Respondents**

**[By Advocates – Mr. George Joseph, ACGSC (R1) &
 Mr. N. Nagaresh (R2-6)]**

This application having been heard on 08.01.2014, the Tribunal on the same day delivered the following:

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ORDER

The short question that arises for consideration in this Original Application is whether the claim made by the applicant for Compassionate Appointment under the relevant Scheme is sustainable in the facts and circumstances of the case.

2. Applicant's father Shri Thankappan Pillai died in harness on June 9, 2009 while he was working as Telecom Mechanic in Bharat Sanchar Nigam Limited. Late Thankappan Pillai left behind his widow and two sons. Applicant is the eldest of the two sons. At the time of death of Thankappan Pillai applicant was aged 25 years. It is on record that he had applied for Compassionate Appointment within three months of the death of his father. After considering the said application, it has been held by the respondents in Annexure A1 order that the applicant is not entitled to get the benefit of the Scheme for Compassionate Appointment (hereinafter referred to as the Scheme). The claim for employment made by the applicant has been turned down by the competent authority on the ground that the family of the deceased had received terminal benefits to the tune of Rs. 5,38,606/. It was also noticed that the family is getting a pension of Rs. 6,525/- plus DA per mensem and is living in their own house. Therefore, the Circle High Power Committee has come to the conclusion in Annexure A1 that applicant is not entitled to get employment under the "Scheme".

3. While assailing the above order, applicant prays that Annexure A2 guidelines for compassionate appointment be declared as irrational, illogical,



unscientific and hence violative of Article 14 of the Constitution of India. He therefore, prays that Annexures A1 and A2 be quashed and the respondents be directed to reconsider the application submitted by him for employment.

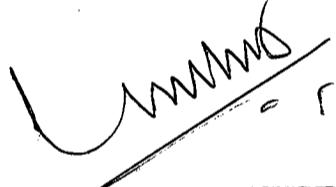
4. In the written statement it is pointed out by the respondents that the family of the deceased employee is in possession of a residential building situated in 99 cents of land. The family had received a sum of Rs. 5,38,606/- towards terminal dues and a monthly pension of Rs. 6,525/- + DA is also being paid to the family. Most importantly the family owns 99 cents of land and a residential building. The younger brother of the applicant is admittedly employed and working as an Auto Rickshaw driver as admitted by him in Annexure R2(d) consent letter. It is further pointed out by the respondents that on examination of the relevant materials available on record the family of the deceased had obtained only 22 weightage points as against the requisite minimum of 55 points to become eligible to be considered for grant of the benefit under the scheme. The committee had noticed that the deceased employee is survived by his widow aged 47 years and two sons, applicant being the eldest. Moreover, the deceased employee had only two years of service left at the time of his death and both were majors at that time. Keeping in view the above aspects the committee came to the conclusion that there are more meritorious cases than that of the applicant which had to be considered for grant of benefit under the scheme.

5. Having regard to the entire facts and circumstances of the case and

keeping in view the settled position in law, I do not find any reason to interfere with Annexure A1 order. Though the applicant has challenged the constitutional validity of Annexure R2(b) Scheme, no arguments have been advanced to substantiate the above contention.

6. There is yet another aspect of the matter. In the course of hearing of the case it is brought to our notice that the applicant has gone to the Middle East and he is reportedly employed there.

7. Keeping in view the entire facts and circumstances of the case, I do not find any merit in any of the contentions raised by the applicant. Original Application fails and it is accordingly dismissed. No costs.



(JUSTICE A.K. BASHEER)
JUDICIAL MEMBER

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