

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 242 OF 2013

Thursday, this the 16th day of October, 2014

CORAM:

HON'BLE MR. U.SARATHCHANDRAN, JUDICIAL MEMBER

K.K.Asma Beevi
Othalakuzhy House
Chalikkavattom
Vennala PO, Cochin – 682 028

... Applicant

(By Advocate M/s Dandapani Associates)

versus

1. Bharath Sanchar Nigam Limited
represented by Chairman cum Managing Director
Telecom, New Delhi – 110 001

2. The Assistant Director General
Bharath Sanchar Nigam Limited
Telecom, Thiruvananthapuram – 695 033

3. The Assistant General Manager (Administration)
Office of the Principal General Manager
Telecom, Bharath Sanchar Nigam Limited
Ernakulam – 682 016

... Respondents

(By Advocate Mr. Johnson Gomez)

The application having been heard on 16.10.2014, the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR. U.SARATHCHANDRAN, JUDICIAL MEMBER

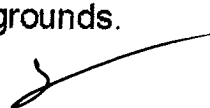
Applicant is the widow of Shri O.A.Abdulla who was working under the 1st respondent as Junior Telecom Officer. Shri Abdulla died in harness on 20.11.2008 at the age of 47 years. According to the applicant, her husband died of Leukemia and the entire savings and salary was spent for his medical expenses and a huge amount is still left as not reimbursed. Therefore, she had applied for appointment on compassionate grounds but

her request was turned down by the respondents vide Annexure A-4 which she has assailed in this OA seeking the following reliefs:

- (a) *Set aside Annexure A-4 order issued by 3rd respondent dated 22.02.2013 rejecting the application for compassionate ground appointment;*
- (b) *Declare that the applicant is fully eligible and entitled for Compassionate Ground Appointment on the death of her husband late Shri O.A. Abdulla on 20.11.2008;*
- (c) *Grant such other appropriate order, direction as this Hon'ble Tribunal deem fit and proper on the facts and circumstances of the case."*

2. Respondents contested this matter stating that they have considered the request of the applicant on the lines of Annexures R-1, R-2 and R-3 guidelines and that as per Annexure R-4 method of evaluation. Applicant was found to have secured a weightage point of 58. Though the case was recommended by the Circle High Power Committee the Corporate Office rejected the request keeping in view of the assets and liabilities of family of deceased Government employee, long term commitments and other conditions of the family and decided to reject the request of the applicant.

3. When the matter was taken up for hearing today, Mr. Vishnu Chempazhanthiyil, proxy counsel for applicant pointed out that if the respondents consider the case of the applicant afresh based on Annexure A-5 circular and by applying the weightage points based on the pre revised pension, the applicant's weightage point would get further improvement and she could secure appointment on compassionate grounds.



4. Mr. Johnson Gomez, learned counsel for respondents submitted that respondents are prepared to consider the case of the applicant afresh in the light of the changed procedure for consideration of the requests for appointment on compassionate grounds. He has produced a copy of the communication dated 01.10.2014 indicating the change of procedure. Learned counsel submitted that as per the new procedure, application for appointment on compassionate grounds will be dealt with in the following manner :-

1) *The number of CGA quota vacancies would be calculated every financial year by the circle and declared every year as on 31st March (ie financial year end).*

2) *The applicants scoring 55 or more than 55 points will be arranged in descending order of Weightage Point scored by the applicants and CGA will be offered to the applicants as per their positions in the list, the vacancies available under CGA quota and the recommendation of Circle HPC. As per the Weightage Point system, cases with NET POINTS below 55 (i.e. 54 or less) shall be treated as non-indigent and rejected by Circle HPC.*

In case two applicants have the same net score then seniority among them will be decided on the basis of date of application i.e. one who has applied (filed application) earlier will be senior.

3) *Circle Heads are hereby authorized to approve Compassionate Ground Appointment based on the recommendations of Circle HPC. Circle High Power Committee shall consist of three officers of PGM/Sr.GM/GM level nominated by Circle Head.*

4) *The above exercise shall be repeated after the end of every financial year and CGA application (with net score 55 or more) shall be considered for 3 consecutive years based on the vacancy position under CGA quota after which the applicant will be out of the list of candidates to be considered for CGA in future.*

5) *The Circle committee shall evaluate the cases as per Weightage Point System and in case it is found that some parameters like death in the militant attack, some family members suffering from serious ailment (like cancer, kidney etc) etc, are required to be quantified then such details should be sent to BSNL C.O for quantification of these parameters.*

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6) *The parameter which needs to be quantified shall be considered by committee consisting of G.M (Estt.) and two other officers of PGM/Sr.GM/GM level. The recommendations of the committee regarding quantification of parameters will be approved by Director (HR)/CMD, BSNL in order to maintain uniformity throughout India.*

7) *The Circle HPC shall be conducted after the end of each financial year considering all the pending applications received till the end of financial year and complete in all respects. Circle HPC will consider vacancies under CGS quota available as on 31st March of the financial year. Waiting list of approved CGA cases will cease to exist after implementation of this new procedure, however cases which have been earlier approved by BSNL, CO and are waiting for appointment under compassionate ground for want of vacancies may be offered appointment under compassionate ground first (on the occurrence of vacancies) before conducting any HPC as per new procedure.*

8) *The cases which have already been considered and decided by HPC of BSNL corporate office as per existing scheme/procedure at that point of time need not be reopened. "*

5. Mr.Vishnu learned proxy counsel for applicant submitted that the applicant would be satisfied if her case is considered in accordance with Annexure A-4 new procedure and also if respondents take into account Annexure A-5 communication regarding the reckoning of pre revised pension for the purpose of appointment on compassionate grounds.

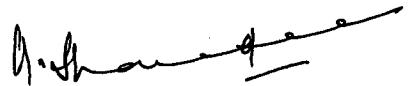
6. In the light of the submissions made by the learned counsel on both sides, the OA is disposed of with a direction to respondents to reconsider Annexure A-2 application, by applying the aforesaid new procedure and also in the light of Annexure A-5 communication dated 22.10.2014 received by the respondents and as per the other extant instructions issued by the DOPT, Government of India. Respondents are further directed to take into consideration of the plight of the applicant of having a mentally retarded son to be looked after, as revealed from



Annexure A-1 certificate. The Tribunal notes that as per the new procedure followed by the applicant and in the light of the instructions issued by DOPT, applications for appointment on compassionate grounds will be considered repeatedly for three consecutive years. This Tribunal expects that this policy would be adopted in the case of applicant also.

7. Original Application is **disposed of** . No order as to costs.

Dated, the 16th October, 2014



U.SARATHCHANDRAN
JUDICIAL MEMBER

VS