

**CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH  
LUCKNOW**

**Original Application No 448 of 2012**

**Order Reserved on.12.8.2014**

**Order Pronounced on 28/08/14**

**HON'BLE MR. NAVNEET KUMAR MEMBER (J)**

Prashant Verma, aged about 21 years son late Ashok Kumar Verma, resident of Vishnu Bhawan, Nazirabad, Kaiserbagh, Subji Mandi, Lucknow.

**Applicant**

**By Advocate Sri Srikant.**

**Versus**

1. The Chairman-cum-Managing Director B.S.N.L., Bharat Sanchar Bhawan, H.C. Mathur Lane, Janpath, New Delhi-110001.
2. The Chief General Manager T.U.P. (East) Telecom Circle, Lucknow.
3. Principal General Manager, U.P. Telecom, B.S.N.L. Gandhi Bhawan, Lucknow.
4. Asstt. General Manager (Admn) o/o PG.M.T.D. Lucknow.

**By Advocate Sri V.P.S. Chauhan**

**ORDER**

**By Hon'ble Mr. Navneet Kumar, Member (J)**

The present Original Application is preferred by the applicant under Section 19 of the AT Act, 1985 with the following reliefs:-

- A. That the Hon'ble Tribunal may kindly be graciously pleased to quash the impugned orders dated 16.1.12 and 9.7.2012 contained as Annexure No. 1 and A1 to the original

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application holding thereby that the applicant is entitled for compassionate appointment in place of his father under dying in harness rule from the date he attained the age of 20 years with pay and other allowances in the grade according to his qualification.

B. To issue such order or direction in favour of the applicant to which Hon'ble Tribunal may deem fit in the interest of justice.

C. To award the costs of the original application in favour of the applicant against the respondents.

2. The brief facts of the case are that the applicant is the son of the deceased employee who died on 1.9.2010 after serving for a substantial period of time in the respondents organization. After the death of the employee, the applicant has moved an application for considering his case for grant of compassionate appointment through his application dated 24.8.2011 and the said application of the applicant was considered and rejected vide order dated 16.1.2012. Thereafter, the applicant has preferred the appeal to the authorities and the said appeal of the applicant was also considered and rejected by the Chief General Manager Telephones U.P.(East) Telecom Circle, Lucknow

vide order dated 9.7.2012. Feeling aggrieved by the

aforesaid orders, the applicant preferred the present O.A.

3. During the course of arguments, the learned counsel for the applicant has categorically pointed out that the financial condition of the family of the deceased employee is not very good as to care the need of the other family members and the respondents while rejecting the claim of the applicant has not followed the guidelines issued by the Government and observations of the Hon'ble Apex Court. The learned counsel for the applicant has also relied upon three decisions of the Hon'ble High Court such as **Radha Vs. State of U.P. and Others reported in [2011(29) LCD 1037]**, **Shahzad Ahmad Vs. State of U.P. and Others reported in [2012(30) LCD 1564]** and the decision passed in **Writ Petition No. 228(S/S) 2014** and has indicated that the present O.A. is deserves to be allowed and the respondents be directed to reconsider the case of the applicant and grant him compassionate ground.

4. On behalf of the respondents, the reply and the supplementary counter reply is filed and through reply it was indicated by the respondents that in terms of the circular issued by the BSNL Corporate Office that the weightage point system was introduced and as per the provision laid down in the letter dated 27.6.2007, cases of 55 points or more are sent to BSNL Corporate Office

who is empowered to consider the cases for appointment and cases with 54 points or below being non indigent are rejected by territorial circle. It is also indicted by the respondents that the applicant could have secured 35 points, as such, the case of the applicant was not found fit for compassionate appointment and is rejected.

5. Through supplementary counter reply, the learned counsel for the respondents has brought to the notice of the Tribunal that the circular dated 27.6.2007 which provides weightage point system of indigent condition is enforced and the decision is taken accordingly.

6. On behalf of the applicant, rejoinder is filed and through rejoinder, mostly the averments made in the O.A. are reiterated and the contents of counter reply are denied.

7. The learned counsel for the applicant has also filed objections to the supplementary affidavit filed by the opposite parties and has indicated that the appointment of compassionate appointment is to meet the crises in a family on account of the death of the bread winner and in terms of the decision rendered by the Hon'ble Apex Court in the case of **Bhawani Prasad Sonkar Vs.**

**Union of India and Others [2011(29)LCD 1181]**, the case of the applicant is required to be considered as the

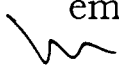
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respondents have not indicated any points awarded to the applicant in the impugned order.

8. Heard the learned counsel for the parties and perused the record.

9. Admittedly, the applicant is a son of deceased employee who was working with the respondents organization who died on 1.9.2010 after serving 21 years. Soon thereafter, the applicant has submitted an application for grant of compassionate appointment vide his application dated 24.8.2011 which was considered and rejected by the authorities wherein, the respondents have indicated that the family of the deceased employee is not suffering from financial crisis and there is no required for financial assistant as the family has received handsome amount of retrial dues and has also getting family pension. The applicant thereafter preferred an appeal to the higher authorities and the said appeal of the applicant was also considered and rejected by the authorities.

10. The appointment on compassionate ground on account of the death of the father cannot be converted into a mode or device for seeking appointment by giving a go bye to all the necessary rules in this regard, nonetheless the said policy has been adopted to give solace to the members of the family of the deceased employee, who dies in harness, leaving the members



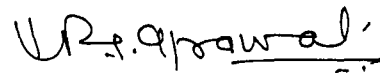
with no source of income and making their life that of a destitute. While considering the case of an appointment on compassionate ground, the considerations, which weight, namely the status and rank of the employee who has died the source of income of the members of the deceased family, the liabilities and the responsibilities which still have to be met all other such relevant factors are essential for judging as to whether appointment under the said rules should be given or not.

11. Undisputedly, the applicant submitted the representation and the respondents rejected the same without indicating any reason therein. As observed by the Hon'ble Apex Court that the appointment on the compassionate ground cannot be considered as a right of an individual, but while rejecting the claim of an individual for grant of compassionate appointment, the respondents are incumbent upon to look into the penury condition of the deceased family and the appointment under rules cannot be refused merely on the ground of financial status of the applicant is not the payment as a retiral benefits can be considered as a sole ground of rejecting the claim of the applicant. The bare perusal of the impugned order shows that the committee has only considered liabilities and overall assessment of the financial condition of the family, but has not indicated

that on what basis, the respondents came to his conclusion, as such it requires interference by this Tribunal.

12. Accordingly, I deem it appropriate to interfere in the present O.A. The impugned orders dated 16.1.2012 and 9.7.12 are hereby quashed. The matter is remanded back to the authorities to reconsider the claim of the applicant and pass a reasoned and speaking order in accordance with law within a period of 6 months from the date of receipt of copy of this order is produced and the decision so taken be communicated to the applicant.

13. With the above observation, the O.A. is allowed. No order as to costs.

  
(Navneet Kumar)  
Member (J)

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