

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 291/00161/2014

Date of Order: 28.09.2016

CORAM

Hon'ble Ms. Meenakshi Hooja, Administrative Member

Rohit Sharma S/o Late Shri Mahesh Chand Sharma, [Ex. Sr. TOA (TG),
O/o GMTD, Ajmer] aged about 22 years, resident of Sampat Bhawan,
Shakti Nagar, Railway Gate No.43, Naka Madar, Ajmer.

.....Applicant

(By Advocate Mr. G.P.Kaushik)

VERSUS

1.The Chairman and Managing Director, Bharat Sanchar Nigam Limited,
Janpath New Delhi.

2. The Chief General Manager, Rajasthan Door Sanchar Circle, Sardar
Patel Marg, C-Scheme, Jaipur.

3. The General Manager, Bharat Sanchar Nigam Limited,
Telecommunication District Ajmer.

.....Respondents

(By Advocate Mr. Ravindra Pal Singh, Proxy
Counsel for Mr. Neeraj Batra, Counsel for respondents)

ORDER

This OA has been filed under Section 19 of the Administrative
Tribunals Act, 1985 by the applicant against the order dated
07.08.2013(Ann.A/1) passed by the respondents whereby the
representation of the applicant has been rejected and compassionate
appointment has been denied to him.

2. Heard. When the matter came up for consideration and hearing,
the Ld. Counsel for the applicant submitted that in order dated
14.03.2013 passed in OA No.219/2013 filed by the applicant earlier,
directions were given to decide the representation of the applicant as
under:

"4. Consequently, the respondents are directed to consider and decide the representation of the applicant dated 27.7.2012 (Ann.A/1) strictly in accordance with the provision of law and pass a reasoned and speaking order expeditiously but in any case not later a period of three months from the date of receipt of a copy of this order.

5. If any prejudicial order against the interest of the applicant is passed by the respondents, the applicant will be at liberty to challenge the same by way of filing the substantive Original Application in accordance with the provision of law. "

3. Now the respondents vide speaking order dated 07.08.2013 (Ann.A/1) have decided this case and rejected his claim for compassionate appointment on the basis of record liabilities of the family of the deceased official, grownup children of deceased, constitution of family and overall assessment of the condition of the family and also the limited number of vacancies in CGA quota which is offered to more needy candidates, keeping in view the instructions of DOPT laid down in OM No.14014/6/-Estt.(D) dated 09.10.1998 and Weightage point system issued by the BSNL as per letter No.273-18/2005-Pers.IV dated 27.6.2007.

4. In this context, counsel for applicant submitted that the circular of BSNL dated 27.6.2007 referred to in the order provides for weightage points to applicant, but the details of points obtained by the applicant have not been provided and the same are required to be provided to know how many points he scored and his comparative position with other candidates and in the absence of the same, his OA deserves to be allowed.

5. Per contra, the counsel for respondents submitted that all details have been brought out in the Ann.A/1 speaking order regarding the family pension which came to Rs.7249/- per month, Terminal benefits of Rs.14,94,086/- and the fact that daughters are grown up and major son is also pursuing Computer course and keeping in view the entire position and limited number of vacancies in CGA quota which is offered to more needy candidates, the applicant was not recommended for CGA

in view of the relevant circular of DOPT and BSNL referred to in the order Ann.A/1 and his representation was rejected on cogent grounds. In view of this position, counsel for respondents prayed for dismissal of the OA.

6. Considered the aforesaid contentions and perused the records. It is seen that the High Power Committee of the respondents has considered the various aspects regarding family, the family pension and liabilities of the family etc. but they have not informed the applicant about the points scored by him as per the weightage point system for assessing the indigent condition of the applicant as per the BSNL letter No. 273-18/2005-Pers.IV dated 27.06.2007. Considering this position and the overall facts and circumstances, it is deemed appropriate to direct the respondents to make available to the applicant the points scored by the applicant in the weightage system on basis of aforesaid letter of 27.06.2007 of the BSNL along with comparative position of the other candidates also considered along with him. This information may be provided to the applicant within three months from the date of receipt of this order. If the applicant has any grievance remaining thereafter he may approach to the appropriate forum as per law.

The OA is disposed of as above with no order as to costs.



(Ms.Meenakshi Hooja)
Administrative Member

Adm/