

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

**ORDER SHEET**

**ORDERS OF THE TRIBUNAL**

19.11.2009

OA 43/2009

Mr.P.N.Jatti, proxy counsel for  
Mr.Kamal Chamria, counsel for applicant.  
Mr.Neeraj Batra, counsel for respondents.

Learned counsel for the applicant seeks some time to argue the matter.

Adjourned to 26.11.2009.

*PK*  
(B.L.KHATRI)  
MEMBER (A)

vk

26-11-2009

None present for the applicant  
Mr.Neeraj Batra, counsel for respondents  
Heard learned counsel for the  
respondents.  
Order Reserved.

*PK*  
(B.L.Khatri)  
M(A)

09/11/09.  
order pronounced  
today in the open  
court by the  
aforesaid Bench

09/11/09.

COURT OFFICER

Later on Mr.Kamal Chamria, learned  
counsel for the applicant appeared and argue the  
case

*PK*  
(B.L.Khatri)  
M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH, JAIPUR.

Jaipur, the 2<sup>nd</sup> day of December, 2009

**ORIGINAL APPLICATION No.43/2009**

CORAM :

HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

Ganesh Lal Meena  
S/o Late Shri Kishan Lal Meena,  
R/o Changri Road, Janta Colony,  
Udaipur,  
C/o Prahlad Ray Mishra,  
Plot No.3, Rana Pratap Nagar,  
Jhaotwar, Jaipur..

... Applicant

(By Advocate : Shri Kamal Chamria)

Versus

1. Union of India through  
Chief Managing Director,  
BSNL, Statsman House,  
New Delhi.
2. Chief General Manager,  
Telecommunication,  
Rajasthan Telecom Circle,  
Sardar Patel Marg,  
Jaipur.
3. Asstt.General Manager (Rectt. & Estt.),  
BSNL, CGMT Rajasthan Circle,  
Jaipur.

... Respondents

(By Advocate : Shri Neeraj Batra)

**ORDER**

PER HON'BLE MR.B.L.KHATRI

The applicant has filed this OA against the order dated 2.4.2008 (Ann.A/1), whereby claim of the applicant for appointment on compassionate grounds had been rejected. Through this OA, the applicant has prayed for the following relief :

*P.S.*

"Order dated 2.4.2008 (Ann.A/1) may kindly be quashed and set aside and the applicant may kindly be given appointment on compassionate ground."

2. Brief facts of the case are that father of the applicant, Late Shri Kishan Lal Meena, was a permanent employee of Tele-communication Department. He was a regular labour (Mazdoor). He died on 19.12.2006 during the office time. After death of his father, the applicant filed an application on 12.11.2007 before the department for his appointment on compassionate grounds. It was submitted in the application that he was a handicapped person and there was no-one in his family to earn bread and butter. The applicant has three sisters, who all are married. The applicant did not receive any family pension on account of service of his father.

3. Notice of this OA was given to the respondents, who have filed their reply stating that case of the applicant was put up before the High Power Committee, which held a meeting on 18.3.2008. Case of the applicant was considered as per BSNL Corporate Office letter No.273-18/2005-Per IV dated 27.6.2007. Five points were given to the applicant as he is dependent and additional five points were given to him for being handicapped. Even then, the total came to 41 points, as per letter dated 27.6.2007 (Ann.R/3). Thus, family of the ex employee was not found to be living in indigent condition. The deceased employee had three daughters (all married) and his wife had already expired. As per report of the visiting officer, the family is residing in their own house having two rooms at Mavli District Udaipur. An amount of Rs.142618/- was paid as terminal benefits to the family of the deceased employee.

4. I have heard the rival submissions and perused the record. I find that case of the applicant had rightly been considered by the high Power committee which after having considered all the facts as narrated in this order had allotted 41 points to the applicant, which are less than 55. Therefore, in

*Par*

overall assessment, family of the deceased employee was not found to be living in indigent condition and the committee did not consider the case fit for giving appointment to the applicant on compassionate grounds.

5. In this connection, it is considered pertinent to quote the following case laws :

(1) In **MMTC Ltd. v. Pramoda Dei** [(1997) 11 SCC 390], it was observed by the Apex Court :

"As pointed out by this Court, the object of compassionate appointment is to enable the penurious family of the deceased employee to tide over the sudden financial crisis and not to provide employment and that mere death of an employee does not entitle his family to compassionate appointment." (Para 4)

(2) In **Director of Education (Secondary) v. Pushpendra Kumar** [1999 (1) SLJ 32 (SC) = (1998) 5 SCC 192] the Apex Court had observed that :

"the Government or the public authority concerned has to examine the financial condition of the family of the deceased and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family." (Para 8)

6. After having considered the facts of the case and the relevant case law on the subject, I am of the opinion that the present OA is bereft of merit and the same is dismissed with no order as to costs.

*B.L.KHATRI*  
(B.L.KHATRI)  
MEMBER (A)

*vk*