

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 24.09.2013

OA No. 532/2012 with MA No. 287/2012

Mr. R.S. Bhadauria, counsel for applicant.
Mr. N.S. Yadav, counsel for respondents.

Heard learned counsel for the parties.

Original Application and Misc. Application are disposed of by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar
(ANIL KUMAR)
ADMINISTRATIVE MEMBER

W
(DR. K.B. SURESH)
JUDICIAL MEMBER

Kumawat

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 532/2012
WITH
MISC. APPLICATION NO. 287/2012

DATE OF ORDER: 24.09.2013

CORAM

HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

Surendra Singh, aged about 27 years, S/o late Shri Satwant Singh (TM-ST-1/1173), by caste Rajput, R/o Shop No. 25, Shankar Colony, Naya Khera, Ambabari, Jaipur (Raj.).

...Applicant

Mr. R.S. Bhadauria, counsel for applicant.

VERSUS

1. The Bharat Sanchar Nigam Ltd. through the Chief General Manager, Telecommunication Rajasthan, Sardar Patel Marg, Jaipur (Raj.) – 302008.
2. The Sub Divisional Officer Phones, Vidyadhar Nagar-I, Jaipur (Raj.).

...Respondents

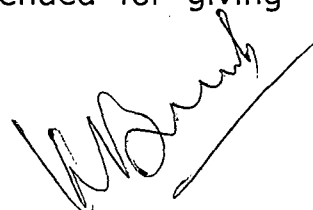
Mr. N.S. Yadav, counsel for respondents.

ORDER

(Per DR. K.B. SURESH, JUDICIAL MEMBER)

Heard the matter in great detail.

2. The applicant challenges the rejection of his claim for compassionate appointment. The impugned order stipulates that weightage points were given for consideration, which requires 55 points minimum and the applicant has got only 37 points indicating that considering overall assessment, the family of the ex-employee has not been found to be living in indigent condition, hence, the case was not recommended for giving appointment on compassionate grounds.

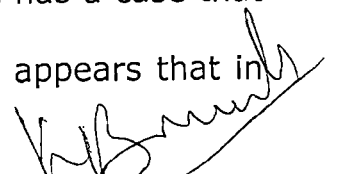


3. The claim of the applicant is that he ought to have been considered under the earlier system whereby no such rationale or yardstick were laid down and the selection could be made on earlier system and on the first come first get measure.

4. It has been found that because of earlier system, so many illegality and injustice had occurred and several courts had dealt with this aspect and given such direction to formulate a new system i.e. weightage point system. Thereafter only the rationale system was laid down but the case of the applicant is that new system came into force a few months after he had applied, therefore, he would say that rational system could not be applied in his case.

5. Under the constitutional process, it cannot be allowed since the applicant gets only the right of consideration on comparative analysis with other similarly situated persons; the comparative analysis is having nexus in time only within the consideration and not the application of the official, therefore, the weightage point system is the only fair system in which comparative analysis can be done. The contention of the applicant that his case ought to have been considered under earlier system cannot be accepted as nobody can state that he must be considered under his choice of parameter and yardstick, which is not permissible under the law and tenets of India. Therefore, there is no lacunae in the order under challenge.

6. We have specifically asked him whether he has a case that he ought to have been granted more marks. It appears that in



this way, he has not made out his case in his pleadings also, therefore, the Original Application fails and deserves to be dismissed.

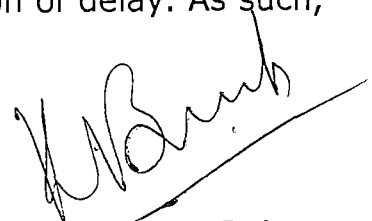
7. He would further like to rely upon the order dated 14.08.2008 in S.B. Civil Writ Petition No. 7938/2006 (Ravi Prakash Yadav vs. BSNL) passed by the Hon'ble Rajasthan High Court, Jaipur Bench, in which the issue relating to assessment of indigent condition was in question. Here the applicant has not even led in the pleadings to the effect that condition of his family was more indigent and the respondents have given wrongful marks and he is entitled for more points. From the impugned order, it is revealed that after considering overall assessment, the committee observed that the family of the deceased Govt. servant has not been found to be living in indigent condition, hence, the case was not recommended for giving appointment on compassionate grounds, therefore, the ratio laid down by the Hon'ble Rajasthan High Court in the above case does not apply in the instant case.

8. In view of the above, the Original Application has no merit and the same is dismissed accordingly. No order as to costs.

9. In view of the order passed in the Original Application, no further order is required to be passed in the Misc. Application filed on behalf of the applicant for condonation of delay. As such, the Misc. Application is disposed of.



(ANIL KUMAR)
ADMINISTRATIVE MEMBER



(DR. K.B. SURESH)
JUDICIAL MEMBER