

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

23.05.2013

OA No. 624/2012

Mr. R.L. Yadav, Counsel for applicant.
Mr. S.L. Sharma, Counsel for respondents.

List it on 30.05.2013.

Anil Kumar
(Anil Kumar)
Member (A)

ahq

30-5-2013

Mr. R.S. Yadav, Counsel for applicant
Mr. Shyam Lal Sharma, Counsel for respondents

Heard learned Counsel for the parties.

The OA is disposed of by a separate
order.

Anil Kumar
(Anil Kumar)
M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR.

ORIGINAL APPLICATION NO. 624/2012

Jaipur, the 30th day of May, 2013

CORAM :

HON'BLE MR.ANIL KUMAR, ADMINISITRATIVE MEMBER

1. Buddhi Prakash Yadav son of Late Shri Prabhudayal Yadav, age about 28 years, by caste Yadav, resident of 363, Rao Ji Ka Ghar, Chandi Ki Taksal, Jaipur.
2. Manju Devi Yadav wife of Late Shri Prabhudayal Yadav, age about 52 years, by caste Yadav, resident of 363, Rao Ji Ka Ghar, Chandi Ki Taksal, Jaipur.

... Applicants

(By Advocate: Mr. R.S. Yadav)

Versus

1. Bharat Sanchar Nigam Limited through its CEO, Bharat Sanchar Bhawan, Janpath, New Delhi.
2. Chief General Manager, Telecommunication Rajasthan Telecom Circle, BSNL, Sardar Patel Marg, Jaipur.

... Respondents

(By Advocate: Mr. Shyam Lal Sharma)

ORDER (ORAL)

The brief facts of the case are that the father of the applicant no. 1 expired on 16.01.2006 while serving with the respondent department. That after his death, applicant no. 1 (Son) applied for appointment on compassionate grounds. The Circle High Powered Committee considered the case with reference to the weightage point system introduced by the respondent department which stipulates that case with 55 or more net points shall be prima-facie treated as eligible for consideration to compassionate grounds appointment.

Anil Kumar

2. The Committee considered the application of the applicant no. 1 (son) and observed that net weightage point scored in the case of applicant no. 1 are 53 only which is less than 55 and, therefore, the Committee did not find the case suitable for recommendation for appointment on compassionate grounds. Hence the case of applicant no. 1 was rejected vide letter dated 03.04.2008 (Annexure A/2).

3. Subsequently the widow of the deceased i.e. applicant no. 2 applied for appointment on compassionate grounds. The respondents vide their letter dated 28.08.2008 (Annexure A/3) informed the PGMTD, Jaipur that now in view of request of widow for her appointment on compassionate grounds, the competent authority has agreed to change of candidature in favour of the widow. The PGMTD, Jaipur was directed to get the case papers prepared afresh in the name of the widow and forward to the Welfare Officer, Circle Office, Jaipur, immediately for further consideration of the case.

4. The case of the applicant no. 2 i.e. widow of the deceased was considered and rejected by the respondents vide order dated 07.07.2012 (Annexure A/1). Aggrieved by the decision of the respondents dated 30.04.2008 (Annexure A/2) and order dated 07.07.2012 (Annexure A/1), the applicants have filed the present OA.

5. The learned counsel for the applicant during the arguments stated that he is not pressing the case of applicant

Asish Kumar

no. 1 i.e. son of the deceased and he is limiting his prayer only with the case of applicant no. 2 i.e. widow of the deceased.

6. He submitted that while rejecting the case of applicant no. 2 (widow), the respondents in their order dated 07.07.2012 (Annexure A/1) have no-where indicated as to how many weightage points, she has been awarded by the respondents. Thus the case of the widow has not been considered in the right perspective by the respondents. Therefore, the respondents be directed to reconsider the case of applicant no. 2 (widow) on merits.

7. On the other hand, the learned counsel for the respondents submitted that the appointment on compassionate grounds is provided for immediate relief to poor and needy persons. It was found that the living standard of applicant no. 2 is above standard and thus she was not found fit to be given appointment on compassionate grounds and her case was rejected. The case of applicant no. 2 was sympathetically considered but she was found unfit to be given appointment on compassionate grounds.

8. Heard the learned counsel for the parties and perused the documents on record. From the perusal of Annexure A/2, it is clear that the respondents follow the weightage point system to assess the suitability of the case which comes up for consideration for appointment on compassionate grounds. The weightage point system stipulates that cases with 55 or more

Anil Kumar

net points shall be prima-facie treated as eligible for consideration to compassionate ground appointment. Points are allotted based on various criteria. While rejecting the claim of applicant no. 1 i.e. son, the respondents have stated that he scored 53 net weightage points which is less than required 55 net weightage point. Therefore, he was not found to be living in indigent condition and the Committee rejected his case. This has not been disputed by the learned counsel for the applicant.

9. However, in the case of applicant no. 2, while rejecting her application for appointment on compassionate grounds, it appears that no such exercise has been done by the respondents. When the respondents vide their letter dated 28.08.2008 (Annexure A/3) had agreed to consider the case of the widow for appointment on compassionate grounds then respondents should have followed the same procedure as followed in other cases i.e. weightage point system. From the perusal of rejection order with regard to respondent no. 2 (widow) (Annexure A/1), it appears that no such exercise has been done otherwise they would have communicated the same as they have done in the case of applicant no. 1 (son) (Annexure A/2). Therefore, in the interest of justice & fairness to applicant no. 2 (widow), the respondents are directed to reconsider the case of applicant no. 2 (widow) by adopting the weightage point system which they have followed in other cases. While doing so, they will also compare the net weightage point scored by the applicant no. 1 (son) and the applicant no. (widow) 2 for each criteria for which points are

Anil Kumar

awarded. The respondents are directed to complete this exercise within a period of three months from the date of receipt of a copy of this order.

10. With these observations, the OA is disposed of with no order as to costs.

Anil Kumar
(Anil Kumar)
Member (A)

AHQ