

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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**ORDERS OF THE BENCH**

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**Date of Order: 18.09.2014**

OA No. 213/2013

Mr. Vinod Goyal, counsel for applicant.  
Mr. Neeraj Batra, counsel for respondents.

Learned counsel for the applicant submits that he does not wish to file any rejoinder. Thus, pleadings are complete.

With the consent of the learned counsel for the parties, the case is taken up for hearing today itself.

Heard learned counsel for the parties.

O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.

  
(ANIL KUMAR)  
ADMINISTRATIVE MEMBER

Kumawat

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 213/2013

**Date of Order: 18.09.2014**

**CORAM**

**HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

Dinesh Singh Rathore S/o late Shri Jadish Singh Rathore, aged 28 years, R/o Mahatma Gandhi Colony, Mala Phatak Gali No. 11, Kota Junction, Kota (Raj.).

...Applicant

Mr. Vinod Goyal, counsel for applicant.

**VERSUS**

1. Union of India through Chief General Manager Telecom, BSNL, Rajasthan Circle, Sardar Patel Marg, C-Scheme, Jaipur.
2. The General Manager Telecom, BSNL, Kota (Raj.).

...Respondents

Mr. Neeraj Batra, counsel for respondents.

**ORDER**

The applicant has filed the present Original Application being aggrieved by the order of the respondents dated 05.12.2012 (Annexure A/1) and order dated 12.09.2012 (Annexure A/2) vide which he has been informed that his request for appointment on compassionate grounds has been rejected by the respondents.

2. Heard learned counsel for the parties and perused the documents available on record.

3. Learned counsel for the applicant submitted that the father of the applicant was a regular employee of the respondent-department. He died on 06.09.2009 while in service leaving behind

*Anil Kumar*

the widow and three children. The applicant is the only son of the deceased. The other two children are sisters, out of which one is married and another is unmarried.

4. He further submitted that on the sad demise of the father of the applicant, the mother of the applicant submitted an application on 14.06.2010 seeking appointment for her son stating that her family is in penury having no source of income.

5. Learned counsel for the applicant drew my attention to the letter dated 05.12.2012 (Annexure A/1) and letter dated 12.09.2012 (Annexure A/2) and submitted that from the perusal of these letters, it is clear that no reason has been recorded by the respondents while rejecting the application for compassionate appointment. The respondents have not considered the case of the applicant on merit as per the guidelines issued by the DOP&T dated 09.10.1998.

6. Learned counsel for the applicant also argued that the applicant does not have his own house and that the family is residing in the rented house. The applicant has no agriculture land or any other moveable or immoveable property. The applicant has the liability to maintain the widow mother and unmarried sister, who are depended upon the applicant. Therefore, the applicant is in miserable financial condition. The respondents have not considered the penury condition of the family of the applicant but have rejected the claim of the applicant on surmises and conjectures. Learned counsel for the applicant also argued that as

*Anil Kumar*

per Annexure R/2, the net points awarded to the applicant have been shown as 35 whereas as per letter dated 23.10.2012 (Annexure R/5) and as per the proceedings of High Power Committee dated 04.08.2012 (Annexure R/6), the net points awarded to the applicant are 40. Thus, there is discrepancy in the award of net points to the applicant and the respondents themselves are not sure whether the applicant is entitled for 35 net points or 40 net points. Therefore, the respondents be directed to reconsider the case of the applicant and if found suitable then the applicant be given appointment on compassionate grounds.

7. On the other hand, learned counsel for the respondents submitted that the respondents have followed the guidelines issued by the DOP&T vide OM dated 09.10.1998. The respondents in order to have transparency in the system, introduced the weightage point system vide letter dated 27.06.2007 (Annexure R/1). As per these guidelines, the cases of those candidates who secured net 55 or more points out of 100 points are referred to the Corporate Office, New Delhi by the Circle HPC. The cases with net points below 55 (i.e. 54 or less) shall be treated as non-indigent and are rejected.

8. Learned counsel for the respondents drew my attention to the Chart (Annexure R/2) where the case of the applicant has been considered point-wise. In this Chart, the net points secured by the applicant have been clearly mentioned. The basis of awarding these points have been given in the guidelines dated 27.06.2007 (Annexure R/1). According to this chart (Annexure R/2), the applicant has secured 35 net points and since this is much below

*Asil Kumar*

the required 55 net points, therefore, the case of the applicant was not forwarded to the Corporate Office for consideration for appointment on compassionate grounds.

9. With regard to the objection of the learned counsel for the applicant that at Annexure R/6, the total net points secured by the applicant has been shown as 40, learned counsel for the respondents submitted that it is a typographical error. Actually the applicant has secured 35 net points and, therefore, he was not found eligible for giving appointment on compassionate grounds. Thus, the application of the applicant has been rightly rejected. There is no merit in the present Original Application and, hence, it should be dismissed with costs.

10. Having heard the learned counsel for the parties and after careful perusal of the documents available on record, I am of the considered opinion that the applicant has failed to make out any case for interference by this Tribunal.

11. The respondents have issued guidelines dated 27.06.2007 (Annexure R/1) for considering the cases for appointment on compassionate grounds. These guidelines have been introduced to bring in the transparency in the system of providing appointment on compassionate grounds. The respondents have considered the case of the applicant following these guidelines and they have also submitted the chart indicating the net points awarded to the applicant under the different heads at Annexure R/2. Learned counsel for the applicant could not point out any mistake in the

*Anil Kumar*

preparation of this chart by the respondents. His main contention was that since the applicant is unemployed and the family of the deceased is living in rented house and has sister to be married, therefore, his case should have been considered by the respondents. All these points have been considered by the respondents while awarding the net points to the applicant. Since the family of the applicant is residing in a rented house, the applicant has been awarded 10 net points. Similarly, for the unmarried daughter of the deceased, 5 points have been awarded to the applicant. Therefore, it cannot be said that the case of the applicant has not been properly considered by the respondents for giving appointment on compassionate grounds. Even if, for the sake of arguments, it is accepted that the applicant secured 40 net points (as per Annexure R/6) then also the applicant is not entitled for appointment on compassionate grounds because 55 or more net points are required for consideration by Corporate Office High Power Committee for appointment on compassionate grounds. The respondents have duly considered the case of the applicant for appointment on compassionate grounds and have rightly not found him suitable for appointment on compassionate grounds. Thus, the Original Application has no merit.

12. Consequently, the present Original Application being devoid of merit is dismissed with no order as to costs.

*Anil Kumar*

(ANIL KUMAR)  
ADMINISTRATIVE MEMBER