

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH**

Original Application No. 268 of 2015

This the 22nd day of February, 2018

CORAM :

**HON'BLE DR K B SURESH, JUDICIAL MEMBER
HON'BLE SHRI K N SHRIVASTAVA, ADMINISTRATIVE MEMBER**

Pravinbhai Ishwarbhai Makwana,
Age about 28 years, Occupation – Nil,
Residing at Rohit Vas,
At and Post: Agarva, Taluka : Thasra,
District : Kheda (Gujarat) – 388 230 ... Applicant

By Advocate Shri N S Shevde

V/s

1 Bharat Sanchar Nigam Ltd.,
A Government of India Enterprise,
Having its Corporate Office at
Bharat Sanchar Bhavan,
Harishchandra Mathur Lane,
New Delhi – 110 001.

2 Assistant General Manager (Estt),
O/o. C.G.M.T., Gujarat Circle,
Telephone Bhavan, C.G.Road,
Near Navrangpura T.E. Building,
Ahmedabad – 380 006. ... Respondents

By Advocate Shri M J Patel

ORDER (ORAL)

Per Hon'ble Dr K B Suresh, Member(J)

1 The matter relates to compassionate appointment. The government servant
passed away in 2003 and now the applicant would seek that the methodology
adoptable at that point of time should be taken now to decide his case.

2 Apparently following several complaints that the system then in force was not
transparent, a numerical system was brought into force. It applies universally to

everyone and prudently. Utilising this system they found on every examination the case of the applicant was considered, he secured less than 55 points which is the bottom yardstick for determination of indigency. It only means that the applicant is not indigent enough to be considered for employment. The Hon'ble Apex Court has time and again held that this is a special enactment which grants a special right to a person who is so very indigent that they cannot exist without government mercy. If the applicant had got less than 55 marks, it only means that he has no right to get government mercy which is in derogation of fundamental rights of others who are competitively meritorious.

3 Therefore, the OA is dismissed. No costs.

4 At this point, the applicant seeks an opportunity to explain. He would say that at the time of death of the government servant his father was also living. Therefore he is entitled to get 15 points. He would also say that his daughter was not married and so he should get 15 points. On the question of dependency, even though he has not included his father in the list of dependents, his father is entitled to be considered as a dependent and so he should get 21 points. The widow of the deceased government servant received the family pension a bit late, which should have been paid within three months and therefore he seeks 10 points. Therefore totalled together he would have got 60 points including the 10 points awarded for the left over service, which is only 9.

5 There is no reason to re-calculate as we find that they have their own house, daughter is married and hence the department has correctly found that the applicant is not eligible to appointment on compassionate grounds. Therefore the applicant

is not eligible for the benefit of compassionate applicant. They could not have given any leverage to the applicant.

6 Therefore the OA is dismissed. No costs.

(K N Shrivastava)
Member(A)

(Dr. K B Suresh)
Member(J)

abp