

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
ALLAHABAD BENCH, ALLAHABAD**

Allahabad, this the **03<sup>th</sup>** day of **August**, 2018

Present:

**Hon'ble Mr. Rakesh Sagar Jain – Member (J)**

**Original Application No. 330/177 OF 2018**  
(U/S 19, Administrative Tribunals Act, 1985)

Raj Kishor Prasad, S/o Late Jugul Prasad,  
R/o Village Hetimpur, Post Jamo, age 33 years,  
District Siwan (Bihar).  
At present residing at 127 New, Mehdauri Colony, Teliarganj,  
District – Allahabad.

.By Advocates – Shri B. K. Mishra

**V E R S U S**

1. Union of India through Secretary of Tele Communication Department New Delhi.
2. High Power Committee, Bharat Sanchar Nigam Limited, Corporate Office, New Delhi, through its Chairman 5<sup>th</sup> Floor, Bharat Sanchar Nigam Bhawan Janpath, New Delhi.
3. Chief General Manager (Personnel) Bharat Sanchar Nigam Corporate Office, 5<sup>th</sup> Floor, Bharat Sanchar Bhawan, Janpad New Delhi.
4. Chief General Manager, Bharat Sanchar Nigam U.P. Telecom Circle, Lucknow.
5. Assistant General Manager, Bharat Sanchar Nigam Ltd. Sultanpur.

.....Respondents.

By Advocate : Shri D. S. Shukla

Shri S. K. Mishra

**ORDER**

**By Hon'ble Mr. Rakesh Sagar Jain , J.M. :**

Heard Shri B. K. Mishra, learned counsel for the applicant, Shri D. S. Shukla for respondent No. 1 and Shri S. K. Mishra, learned counsel for the respondent Nos. 2, 3, 4 & 5.

2. In the present O.A., applicant Shri Raj Kishor Prasad has challenged the impugned order dated 16.10.2017. Applicant's case is that his father Jugal Prasad expired on 06.08.2004 and thereafter, applicant had filed application for his appointment on compassionate ground which application has been rejected by way of the impugned order. Learned counsel for the applicant while arguing submitted that in the check list prepared by the respondents regarding the points obtain by the applicant the respondents have given 56 points to the applicant. However, vide impugned order, application for compassionate appointment has been rejected on the ground that the net point of Raj Kishor Prasad are 51 which fall short of minimum requirement of 55 points. Therefore, learned counsel for the applicant states that the impugned order deserves to be set aside. On the other hand learned counsel for the respondents submits that counter affidavit needs to be filed before the impugned order is set aside.

3. However, the dispute in instant case is limited to discrepancy in net points in the two documents. Therefore, keeping in view the

difference in the net point given to the applicant in the check list and impugned order it comes out that both figures are contradictory which needs to be looked into and rectified by the respondents. In these circumstances the impugned order dated 16.10.2017 is set aside with a direction to the respondents to reconsider the case of the applicant Raj Kishor Prasad with reference to the difference in the net point given in the check list and impugned order and pass an order accordingly on the application for compassionate appointment in accordance with rules.

5. O.A. is accordingly disposed of with direction to respondent No.2/competent authority to do the needful within a period of six weeks from the date of receipt of certified copy of this order. No order as to costs.

**(RAKESH SAGAR JAIN)**

**MEMBER (J)**

Shashi