

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD

**Original Application No. 330/1384 of 2014**

Dated: This the 24<sup>th</sup> day of October 2018.

**HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)**

Somnath Yadav son of Late Jag Prasad Yadav, Resident of Village Newada, Post Mishrauliya Bhaiya, Tehsil Rudhauli, District Basti.

. . . Applicant

By Adv: Smt. Anita Tripathi

V E R S U S

1. Bharat Sanchar Nigam Limited through its Chairman-cum-Managing Director, Bharat Sanchar Bhawan, New Delhi.
2. Chief General Manager (Telecom) Eastern UP Circle, 3B Habibulla State Hazratganj, Lucknow.
3. Assistant General Manager (A&P), GMTD, Basti.

. . . Respondents

By Adv: Shri Rishi Kant Singh

**ORDER**

1. Present O.A. is filed by applicant Som Nath Yadav on rejection of his application for compassionate appointment to Class IV post vide order dated 20.05.2014 on the death of his father Jag Prasad Yadav in harness. The family of deceased at present consist of the wife, two sons namely Ram Nath Yadav and Som Nath Yadav and their basic income is Rs.2900/- as per certificate issued by Tehsildar, Basti. The rejection has been on the basis that applicant has not obtained sufficient net points and the check list of the point system reveals that the respondent did not consider the various items nor any points have been awarded to the applicant and does not mention the criteria for grant of 25

points awarded to the applicant. The entire family is in financial crises and on verge of starvation. His elder brother was and is still studying in Hyderabad whereas applicant is in B.A. 2<sup>nd</sup> year.

2. In their counter affidavit, respondents have given the details in which 28 points have been calculated on the basis of the existing rules and the items for which the points have been allotted have not been controverted by the applicant. In fact, applicant in his O.A. does not mention the what sort of items have not been considered by the respondent. The grouse of applicant that the criteria has not been mentioned in the impugned order is met by the details of the points secured by applicant given in the counter affidavit and has not been challenged by way of amendment. It is the averment of respondent that applicant has secured 28 points which is below the net point of 55 and therefore, as per, the rules, such family is treated as not living in indigent condition which is in accordance with the guidelines as mentioned in Annexure CA-1.
3. In the rejoinder affidavit, it has been averred that when awarding the net point, respondents did not consider the indigent circumstances of the applicant and awarded the points in a arbitrary manner.
4. I have heard and considered the arguments of the learned counsels for the parties and gone through the material on record.
5. On going through the facts of the case, I find that the respondents have considered the case of applicant on the basis of the guidelines issued by BSNL and have not awarded the point arbitrary or illegal manner. Applicant has been unable to point out any specific irregularity or illegality in the calculation of the net points by the respondents. Applicant

has mentioned that the respondents did not consider some items but has not specified the items not considered and is a vague and incomplete pleading which cannot be accepted. The calculation has been shown in the counter affidavit based on guidelines as given in annexure CA-1 but the same have not been challenged by the applicant.

6. The scheme of compassionate appointment has been introduced by the BSNL to provide immediate financial assistance to the family of the deceased employee to overcome the financial crisis, after the death of sole bread earner.
7. The applicant's case has to be considered as per the guidelines and spirit on account of which this Policy was framed. As per, the respondents, the applicant and his family does not meet the criteria set by the respondent for grant of compassionate appointment. So, it cannot be said that the applicant's family is in an indigent condition which would elicit reconsideration of the case of the applicant, under the Compassionate Appointment Scheme. Respondents have to go as per the guidelines and has to be applied equally to all persons and in most probability, there would be a long list of other candidates awaiting consideration and who are probably facing similar or worse financial destitution and indigent condition, as the applicant in OA.
8. The respondents have stated that such cases have to be considered on merits and on the limited number in quota reserved for this purpose. The Scheme for compassionate appointment has been put in place by the department to enable the family of the deceased to overcome the sudden vacuum and economic crisis which hits them when the sole bread earner of the family dies unexpectedly. It is unfortunate but true that there could be many similarly

placed persons facing grave financial hardships. It is for these reasons that various parameters are provided so that situation can be assessed objectively and assistance provided by way of an appointment to the most deserving candidate. A compassionate appointment is not a vested right which can be claimed and exercised at any time.

9. In the present case, as per, the stand of respondents coming out in the counter affidavit is clear that the case of applicant has been considered squarely and fairly in accordance with the guidelines of the BSNL, the details of applicant and grounds for its rejections have been delineated in the counter affidavit which have not been rebutted in the rejoinder affidavit in a definite manner.
10. Looking to the stand of the parties, I am of the view that applicant has not been able to make out a case for acceptance of the O.A. The OA is dismissed being devoid of merits. No costs.

**(Rakesh Sagar Jain)**

Member (J)

Manish/-