

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH ALLAHABAD

Dated: This the 18th of April 2018.

PRESENT:

HON'BLE DR. MURTAZA ALI, MEMBER – J

Original Application No. 182 of 2015

Narayan Dutta Tiwari S/o Late Kripa Shankar Tiwari, R/o Village Ekdanga, Post Daulasepur, District Mau.

. . . Applicant

By Adv: Shri D.K. Jaiswal/Shri A.K. Pandey

V E R S U S

1. Bharat Sanchar Nigam Ltd. Through its General Manager, New Delhi.
2. Assistant General Manager (Pers.IV), Vth Floor Bharat Sanchar Bhawan, Janpath, New Delhi.
3. Divisional Engineer (Admin) O/o Telecom District Manager, Mau.

. . . Respondents

By Adv: Shri Arvind Singh

ORDER

Heard Shri A.K. Pandey counsel for the applicant and Shri Arvind Singh counsel for the respondents.

2. The applicant has filed this OA for quashing the impugned order dated 14.7.2014 by which the claim of applicant for compassionate appointment has been rejected mainly on the ground that the applicant did not fulfil the weightage point system guidelines issued by B.S.N.L vide letter No. 273-18/2005-Pers-IV dated 27.6.2007.

3. It is not disputed that the father of applicant late Kripa Shankar Tiwari had expired on 22.12.2003 while working as Telephone Mechanic in the office of respondents and the applicant requested for compassionate appointment vide his representation dated Nil. It is also not disputed that the claim of applicant was considered by the respondents in view of instructions/guidelines issued by B.S.N.L vide letter dated 27.6.2007 by which weightage point system was introduced for consideration of compassionate appointment. It is the contention of respondents that the case of applicant for compassionate appointment was considered by the Circle High Power Committee on 19.05.2014 and the same was rejected due to his net weightage point being equal to 67. It is the contention of applicant that his case should be considered as per guidelines/instructions enforced at the time of death of his father

4. The sole controversy involved in this O.A. is whether the claim of applicant for compassionate appointment has rightly been considered in view of instructions issued by the B.S.N.L vide letter dated 27.6.2007 or whether the applicant is entitled to be considered in accordance with law and as per scheme then in existence at the time of death of his father.

5. In the case of ***Canara Bank Vs. M. Mahesh Kumar*** reported in LAWS (SC) 2015 5 52, it has been held by Hon'ble Supreme Court that the claim of petitioner for compassionate appointment is to be

considered in accordance with law and as per scheme then in existence at the time of death of father of petitioner.

6. In view of the above, I am of the considered opinion that the case of applicant has wrongly been considered under weightage point system guidelines issued by BSNL vide letter dated 27.6.2007 while he is entitled, is to be considered for compassionate appointment as per the Scheme which was in vogue at the time of death of father of applicant.

7. Accordingly, O.A. is allowed and impugned order dated 14.07.2014 (Annexure A-1) are quashed. The case of applicant is remitted to the respondents for reconsideration in accordance with law and scheme existed at the time of death of father of applicant within a period of 2 months from the date of receipt of a certified copy of this order. No costs.

Member-J

Manish/-