

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

OA.NO.170/00998/2016

DATED THIS THE 13th DAY OF MARCH, 2017

HON'BLE SHRI DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI RUDHRA GANGADHARAN MEMBER(A)

Md.Rafeeq Khazi,
Aged 23 years,
S/o Late MD.Khaja Mashaksab,
R/o No.11-1041/36,
Khaja Manjil, Iqbal Colony,
Near Hussain Public School,
MSK.Mill, Kalaburagi 585310.

...Applicant

(By Advocate Shri MM.Sangond)

Vs.

1.The Chief General Manager ,
Karnataka Telecom Circle,
No.1, Swamy Vivekananda Road,
Ulsoor, Bangalore:560 008.

2.Asst. General Manager(R&E),
O/o CGMT, Karnataka Circle,
Bangalore:560 008.

3.The General Manager(S&A),
BSNL, O/o GM,
Gulbarga Telecom District,
Kalaburagi 585 101.

4.The Asst. General Manager(HR&Admn.),
BSNL, O/o GMPD,Gulbarga 585 101.

5.The Union of India,
Represented its Secretary,
Department of Telecommunication,
No.20,Sanchar Bhavan,
Ashoka Road,New Delhi 110 001.

...Respondents

(By Shri Vishnu Bhat, Counsel)

ORDER (ORAL)

HON'BLE DR K.B.SURESH, MEMBER (J)

1. Heard. The matter relates to compassionate appointment. The only ground on which it was rejected was even though the applicant had secured 80 points which indicates very high level of indigency, he was given negative points of 35 points and therefore, assumed that he had secured only 45 points.

2. The respondents assigned the reason that the applicant was a minor at that time and during the applicant's minority he could not be employed. The respondents would say that even though there were 2 unmarried daughters at that time they could have applied or the widow could have applied. The applicant belongs to the community of Islam wherein also a male is the person who supports the family and further under Islam laws the property and other benefits are also , according to Surah deployed in such a manner for male and female. Therefore, this contention raised by the respondents will not lie under law. There is a choice thereby available to the family to choose which member among them is to be held eligible for the employment under the mercy of the government. In that choice, the respondents have no role to play what so ever. It is entirely their choice alone. It is also to

be noted that while it is delayed the applicant might have suffered and no prejudice fall on the respondents or anybody for that matter. There is no ground in the contention raised by the respondents. It is rejected.

3. They should have given appointment to the minor when he became major and applied and especially since he had secured 80 points which is a very high point of indigence. Therefore, there is quite a bit of lacunae on the part of the respondents.

4. Therefore, in relation to opportunities in which he could have been considered there will be a reexamination of the matter as to whether the applicant could have been considered and as under rules if it is possible supernumerary post can be created and in such case the applicant may be accommodated. But, if it is the otherwise the applicant will be considered for the next 3 opportunities after sufficient number of vacancies are marshalled and considered objectively. OA is allowed to this extent. Initial consideration to be made within the next 4 months. No order as to costs.

(RUDHRA GANGADHARAN)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

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