

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

(CIRCUIT BENCH AT SHIMLA)

ORIGINAL APPLICATION NO. 063/ 00120/2014

Chandigarh, this the 15th day of March, 2018

...
**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

...
Maneesh Thakur, son of late Sh. Narayan Singh Thakur,
r/o Village Bhutti Colony, P.O. Shamshi, Tehsil & District Kullu,
Himachal Pradesh.

....APPLICANT

(By Advocate: None)

VERSUS

1. Union of India through Secretary, Department of Telecommunication), Sanchar Bhawan, Ashoka Road, New Delhi.
2. Bharat Sanchar Nigam Limited with its Corporate office, Bharat Sanchar Bhawan, Janpath, New Delhi.
3. Chief Managing Director, BSNL with its office at 5th Floor, Bharat Sanchar Bhawan, Janpath, New Delhi
4. Assistant General Manager, BSNL with its office at 5th Floor, Bharat Sanchar Bhawan, Janpath, New Delhi
5. Chief General Manager (Telecom), Himachal Pradesh Telecom Circle, Kasumpti, Shimla, H.P.
6. Telecom District Manager, Kullu.

....RESPONDENTS

(By Advocate: Shri Rajiv Jiwan)

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J)

By means of present Original Application (O.A.), the applicant assail order dated 15.5.2014 (Annexure A-1), whereby his claim for appointment on compassionate grounds has been rejected.

2. This case has chequered history, therefore, facts are to be noticed first. Father of the applicant who was working as Senior Telecom Operator Assistant (Phone), unfortunately died while in service on 1.12.2006. Immediately thereafter, applicant submitted

representation for appointment on compassionate grounds. He was informed vide letter dated 27.8.2010 by respondent no. 6 that his case for compassionate appointment has been rejected by the High Power Committee of BSNL as the committee was of the view that only the widow i.e. mother can look after the family in a better way as such she has the first preference with respect to provision of the scheme for the purpose.

3. The applicant challenged the said order by filing O.A. No. 1097/HP/2012, which was allowed vide order dated 31.05.2013 and respondents were directed to reconsider the case of the applicant as per the instructions prevalent at the time of his application with reference to the vacancy available for compassionate appointment at that time. It is not out of place to mention here that respondent department moved R.A. No. 80/2013 with a prayer to review the order dated 31.5.2013 to the extent that the vacancy was not available at the relevant time against which the applicant could be considered. The said R.A. was dismissed. However, while disposing of the R.A. in Para no. 4, the respondents were given liberty to pass speaking order on the claim of applicant for compassionate appointment.

4. Considering the claim of applicant with reference to the instructions applicable when the vacancy was available at the relevant time, the respondents have passed the impugned order against which the applicant before this Tribunal.

5. The respondents while resisting the claim of the applicant have filed detailed reply wherein they submitted that since the

applicant had secured only 47 marks i.e. less than the last candidate to whom they have offered appointment i.e. 55 marks, therefore, his case has been rejected vide impugned order.

6. Learned counsel for respondents also pointed out that the applicant had also filed R.A. No. 063/00021/2017 for review of order dated 28.11.2013 where this Court reviewed the order dated 31.5.2013 by observing that respondents will pass reasoned and speaking order on the claim of applicant for appointment on compassionate grounds with reference to the instructions applicable when the vacancies became available for appointment on compassionate grounds. The learned counsel argued that once the applicant could not make out his case for compassionate appointment, therefore, they have rightly rejected his claim.

7. We have considered the matter, and find no reason to interfere with the well reasoned order as the respondents have considered his case in terms of the policy and have rejected the same. The applicant has failed to point out any illegality in the impugned order. Therefore, the O.A. is dismissed. No order as to costs.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 15.03.2018

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