

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/264/2013

Jabalpur, this Friday, the 27th day of July, 2018

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Ankit Kumar Kohli, S/o Late Pradeep Kohli,
Aged about 27 years, R/o 1801A/8, Himmatganj,
Allahabad (UP)-211001

-Applicant

(By Advocate –**Shri Vijay Tripathi**)

V e r s u s

1. Chairman-cum-Managing Director,
Bharat Sanchar Nigam Limited,
Statesman House, Barkhamba Road,
New Delhi-110001

2. Chief General Manager (Telecom)
Bharat Sanchar Nigam Limited,
M.P. Circle, Hoshangabad Road, Bhopal (M.P.)-462015

3. General Manager, (Telecom District)
CTO Compound, Jabalpur 482002 (M.P.)

4. District Engineer, Bharat Sanchar Nigam Limited,
Milloniganj Exchange, Jabalpur 482002 (M.P.)

-Respondents

(By Advocate –**Shri P. Shankaran**)

(Date of reserving the order:- 24.07.2018)

O R D E R

By Navin Tandon, AM:-

The applicant is aggrieved by the fact that he has not been considered for compassionate appointment. Hence this Original Application has been filed.

2. The applicant submits that his father was working as a regular Mazdoor with the respondent department, who died in harness on 10.10.2009 leaving behind three dependents namely, the applicant, his mother and his sister. After the death of the employee, the family has received Rs. 4,29,000/- as retiral dues and the basic pension was fixed as Rs. 6,475/-.

2.1 The applicant further submits that he submitted an application on 29.08.2011 (Annexure A-2) for compassionate appointment. However, the respondents have not paid any heed towards his application.

2.2 It has been contended by the applicant that the respondent department has issued policy guidelines for compassionate ground appointment (CGA) on 27.06.2007 (Annexure A-1) wherein Weightage Point System for assessment of indigent condition have been given. The guidelines provide that only those cases where the net points are 55 or more would be considered by the BSNL corporate office.

2.3 The applicant is questioning the weightage system of Annexure A-1, where by his own calculation he would have received around 38 marks. He submits that if the scheme prevalent in Ministry of Defence and Ministry of Communication & IT (Colly. Annexure A-3) is implemented, he would have received 56

marks and therefore would have become eligible for consideration of CGA.

2.4 It is the case of the applicant that IDA pay scale has been made applicable in the BSNL with effect from 01.10.2004. However, the points rating system for assessment of indigent condition of the candidates have not been revised by the BSNL.

3. The following relief has been prayed for by the applicant in this Original Application:

“8. Relief Sought:-

(i) Summon the entire relevant record from the possession of respondents for its kind perusal.

(ii) Upon holding that the policy dated 27.6.2007 Annexure A/1 framed by the BSNL for compassionate has lost its significance, direct the respondents to revise the policy of compassionate appointment and its pointing rating system.

(iii) Direct the respondents to consider the case of the applicant for compassionate appointment by applying the point rating system applicable in the Ministry of Defence and Department of Communication and IT.

(iv) Any other order/orders, direction/directions may also be passed.

(v) Award cost of the litigation to the applicant.”

4. The respondents have filed their reply wherein they have made the following preliminary submissions:-

“(1) It is submitted that the Corporate office of Bharat Sanchar Nigam Ltd following the Scheme of Compassionate Appointment (CGA) issued by DOP& T vide OM dated 9/10/1998. The objective of this scheme is to give appointment on compassionate ground to a dependent

member in the family of a BSNL employee who died in harness or who is retired on medical ground, thereby leaving his family in penury and without any means of livelihood, to relieve the family concerned from financial destitution and to help him to get over such condition. As per this Scheme, the family living in indigent condition and deserving immediate assistance to overcome the financial destitution is eligible for compassionate ground appointment.

(2). In order to bring uniformity in assessment of indigent condition of the family of deceased for offering compassionate ground appointment, weightage point system was introduced by BSNL vide letter dated 27Jun 2007. BSNL is following IDA pay scale and Industrial DA and not CDA pay scale. IDA pay scales have been revised from 1/1/2007 and not from 1/1/2006. According to weightage point system if any candidates secured 55 or more points, he prima facie becomes eligible to be considered by High Power Committee of BSNL at Circle Office.

(3). While considering a request for appointment on compassionate grounds by a committee, a balanced and objective assessment of financial condition of family has to be made taking into consideration of the assets and liabilities and all other relevant factors such as presence of presence of earning member, size of family, ages of children, own house and essential needs of the family like education, marriage, medical etc. This is done to assess the degree of indigence among all the applicants considered for compassionate appointment within prescribed ceiling of 5% earmarked for the purpose.

Therefore, the policy framed by the BSNL to meet the aim and object the scheme as provided in DOPT OM quoted above is very fair and just.”

4.1 Specifically about the present Original Application the respondents submits that the family of the deceased has received the terminal benefits of Rs. 5,18,079/- and not Rs. 4,29,000/- as stated in Para 4.2 of the Original Application. Furthermore, they submit that the father of the applicant expired on 10.10.2009, and

the son applied for compassionate appointment on 25.08.2011 i.e. after two years. This shows that the family of the deceased was not in indigent condition and was in a position to lead the live without any employment assistance.

4.2 The respondents have brought out that Ministry of Defence as well as the Department of Posts guidelines have been issued which is based on CDA scales and therefore they cannot be equated with the scheme of Weightage Point System of BSNL.

4.3 The respondents have highlighted the point that the scheme of BSNL was not framed based on the salary structure of Central Government Employees, but based on the salary revision taking place in BSNL after its formation. They have further averred that even though the system has been introduced in 2007, the basic pension parameters which have been assigned 20 marks is calculated still on the basis of old pay scales in all and not on the basis of new pay scales which have been revised in the case of BSNL with effect from 01.02.2007.

4.4 Going further, the respondents have pointed out that there are only 2 parameters namely basic pension and terminal benefits which are expressed in terms of money. All the other parameters like size of the family, applicant being spouse or children, own house/rented house etc. have no relevance with the pay scale and

hence it is not correct to say that the Weightage Point System has become outdated.

5. Heard both the counsel for the parties and perused the pleadings available on record.

6. Learned counsel for the applicant submits that Para 2 of the Weightage Point System is regarding basic family pension having maximum 20 points. Almost every case would fetch zero marks in this Para as the basic family pension is above Rs. 4250/- in most cases.

7. Learned counsel for the respondents submits that every organization has framed their own Weightage Point Systems which are conforming to DoPT guidelines and BSNL scheme cannot be compared with the scheme of any other department, especially when BSNL pay scales are not in CDA pay scales.

8. Perusal of the policy guidelines of BSNL dated 27.06.2007 (Annexure A-1) clearly indicates that Weightage Point System has been devised by the High Power Committee, headed by Director (HRD), to bring uniformity in the assessment of indigent condition of the family. It has subsequently been approved by the Management Committee of BSNL.

9. The pay scales of IDA and CDA can not be compared on the basic pay, as the two types of scales progress in different fashion.

Therefore, it would not be prudent to compare the absolute value of basic pay/pension of IDA & CDA.

10. The Weightage Point System of BSNL has been framed as per the requirement of BSNL employees and not of Central Govt. employees. The same Weightage Point System is applied in all the case of CGA in BSNL. Therefore, all the cases of CGA are to be filtered using the same Weightage Point System and therefore, we do not find any disharmony in the existing system.

11. It is to be noted that CGA is to be given within prescribed ceiling of 5% of the vacancies, and therefore, all the applications for Compassionate ground appointment are to be considered for these limited number of posts. So long as all such applications are evaluated on the same parameters, the system appears fair enough.

12. Considering all the above factors, we have come to a conclusion that the policy guideline for CGA, as prevalent in BSNL, does not have any infirmities.

13. Accordingly, the Original Application is dismissed being devoid of any merit. No costs.

(Ramesh Singh Thakur)
Judicial Member

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(Navin Tandon)
Administrative Member