

**Central Administrative Tribunal
Chandigarh Bench
(Circuit Bench at Jammu)**

OA No.61/1098/2017

Decided on : 20.09.2018

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. P. Gopinath, Member (A)

Amit Malhotra, age 24 years, S/o Sh. Raman Malhotra, R/o
House No.340, Lakkar Mandi, Janipur, Jammu.

... Applicant

(By Mr. Ritesh Sharma, Advocate.)

Versus

1. The Chairman and Managing Director, Bharat Sanchar Nigam Limited, Bharat Sanchar Bhawan, Harish Chandra Mathur Lane, Janpath, New Delhi 110001.
2. The Chief General Manager, Bharat Sanchar Nigam Limited, J&K Circle North Block, Bahu Plaza, Railhead Complex, Jammu.
3. The General Manager Telecom, Bharat Sanchar Nigam Limited, District Jammu.
4. The Assistant General Manager, O/o Chief General Manager, Bharat Sanchar Nigam Limited, J&K Circle North Block, Bahu Plaza, Railhead Complex, Jammu.
5. The Sub Divisional Engineer (HRD), O/o General Manager Telecom, Bharat Sanchar Nigam Limited, District Jammu.

... Respondents

(By Mr. P.S. Chandel, Advocate)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :

1. The mother of the applicant was employed in BSNL. She died in an accident while in service on 22.08.2005. At that time, applicant was aged about 12 years and studying in VIIth standard. His father filed an application in September, 2005 with a request to provide employment to the applicant. No tangible steps were taken on that application. It was only on 05.10.2013 that the applicant filed a representation with the respondents with a request to provide appointment on compassionate grounds. He was studying in BE (first year) at that time.
2. On 28.05.2014, a letter was addressed to the applicant to explain the delay in filing the application, and it was duly replied by the applicant. Ultimately, after processing the application at various levels and in accordance with extant procedure, the respondents passed order dated 13.01.2017 rejecting the claim of the applicant. The same is under challenge in the present OA.
3. The applicant contends that he is entitled to be considered for appointment on compassionate grounds after he has become major.

4. On behalf of the respondents, it is stated that though the application was filed in a proper format, ten years after the death of the employee, the same was processed in accordance with the extant policy, but the applicant did not qualify for being appointed on compassionate grounds.

5. We heard the learned counsel for the applicant as well as respondents and perused the record carefully.

6. The appointment on compassionate grounds is not an indefeasible right. It is a facility created on the basis of the judgement of Hon'ble Supreme Court and it can be extended to exceptional cases where sudden death of an employee results in difficult and penurious situation to his family. It is not treated as a succession or permanent mechanism.

7. The father of the applicant submitted a representation claiming the benefit of appointment on compassionate grounds for the applicant, when the mother of the applicant died on 22.08.2005. Admittedly, the applicant was minor at that time and was studying. There is nothing on record to disclose that the family was in such penury that without an employment on compassionate grounds, they could not have survived.

8. Be that as it may, the applicant himself has made an application on 05.10.2013 after he became major. It initially was

returned with certain objections and thereafter it was considered on merits.

9. With a view to ensure objectivity in the processing of such applications, respondents have evolved a policy wherein marks are awarded to the candidates for various parameters. It is stated that when the case of the applicant was considered in accordance with the policy, apart from being non-qualified, applicant secured less than 55 marks which was not sufficient to meet the requirement for securing an appointment on compassionate grounds.

9. In view of above, we find this OA to be devoid of merits and the same is dismissed. There shall be no order as to costs.

(P. Gopinath)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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