

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD

Original Application No.330/00172/2014

Dated: This the **03rd** day of May 2019.

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)

Braj Kishore Giri son of Late Shri Ladli Kishor, Resident of Village
Abhayapura Post May Tehsil Sadabad District Mahamaya Nagar.

. . . Applicant

By Adv: Shri S.P. Giri

V E R S U S

1. Union of India Ministry of Telecommunication and Information Technology, Department of Telecommunication through its Secretary, New Delhi.
2. Chairman/Managing Director Bharat Sanchar Nigam Limited Door Sanchar Bhawan H.C. Maker Lane Janpath New Delhi.
3. Circle High Power Committee (CHPC) presided by Chief General Manager (Recruitment Section) Bharat Sanchar Nigam Limited U.P (West) Door Sanchar Perimandal MDA Bhavan 1st Floor Meerut.
4. Assistant General Manager (HR-II) Recruitment Section U.P. (West) Telecom Circle MDA Building 1st Floor Meerut.
5. General Manager, Bharat Sanchar Nigam Limited Door Sanchar District Aligarh.

. . . Respondents

By Adv: Shri D.S. Shukla

O R D E R

1. Present O.A. is filed by applicant Braj Kishore Giri on rejection of his application for compassionate appointment vide order dated 22.09.2012 on the death of his father Ladli Kishor in

harness on 17.04.2011. The family of deceased at present consist of four sons and a wife. The rejection has been on the basis that applicant has not obtained sufficient net points and the check list of the point system reveals that the respondent wrongly assessed the wieghtage points to be calculated. The entire family is in financial crises and on verge of starvation.

2. In their counter affidavit, respondents have given the details of 40 points which have been calculated on the basis of the existing rules. The grouse of applicant that the criterion has not been mentioned in the impugned order is met by the details of the points secured by applicant given in the counter affidavit. It is the averment of respondent that applicant has secured 40 points which is below the net point of 54 and therefore, as per, the rules, such family is treated as not living in indigent condition which is in accordance with the guidelines.
3. In the rejoinder affidavit, besides reiterating the averments made in the OA has given reasons for the wrong calculation of the merits points awarded to the applicant. It has been averred that when awarding the net point, respondents did not consider the circumstances of the applicant and awarded the points in an arbitrary manner.
4. I have heard and considered the arguments of the learned counsels for the parties and gone through the material on record.
5. On going through the facts of the case, I find that the applicant has given reasons and details for the alleged miscalculation of the points.
6. The scheme of compassionate appointment has been introduced by the BSNL to provide immediate financial

assistance to the family of the deceased employee to overcome the financial crisis, after the death of sole bread earner.

7. The applicant's case has to be considered as per the guidelines and spirit on account of which this Policy was framed. The Scheme for compassionate appointment has been put in place by the department to enable the family of the deceased to overcome the sudden vacuum and economic crisis which hits them when the sole bread earner of the family dies unexpectedly. It is unfortunate but true that there could be many similarly placed persons facing grave financial hardships. It is for these reasons that various parameters are provided so that situation can be assessed objectively and assistance provided by way of an appointment to the most deserving candidate. A compassionate appointment is not a vested right which can be claimed and exercised at any time.
8. In the present case, as per, the stand of respondents coming out in the counter affidavit is that the case of applicant has been considered squarely and fairly in accordance with the guidelines of the BSNL, the details of applicant and grounds for its rejections have been delineated in the counter affidavit. However, this stand of respondents of correctly calculating the merit points has been controverted by the applicant as averred in his pleadings.
9. Respondents have given the details and points awarded item wise to the applicant amounting to 40. Looking to the stand of the parties, the O.A. is disposed with the direction that the applicant, within 10 days from today, file a representation with respondent No. 4 showing the manner in which the wrong calculation has been made by the respondents. On the representation being filed, respondent

No. 4 or the competent authority would check the correctness of the merit points calculated by applicant and dispose of the same by way of a speaking and reasoned order within one month of receipt of the representation under intimation to applicant. It is made clear that the merit of the matter has not been discussed/touched upon in the present order. The OA is accordingly disposed of. No costs.

(Rakesh Sagar Jain)

Member (J)

Manish/-