

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

ORIGINAL APPLICATION NO.170/00118/2017

DATED THIS THE 24th DAY OF AUGUST, 2018

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

HON'BLE SHRI C.V.SANKAR, MEMBER (A)

Sri.T.S.Madhu
S/o Late.T.K.Shankarappa
Aged about 33 years
Residing at Basavanahalli Village
Bestara Palya, Thoremavinahalli Post
Turuvekere Taluk
Tumkur District.

...Applicant

(By Advocate Sri B.Krishna)

Vs.

1. The Union of India
Represented by its Secretary
Department of Personnel and Training
New Delhi-110 011.
2. The Director (E.I)
Department of Personnel and Training
New Delhi-110 001.
3. The Chairman cum Manager
Bharath Sanchara Nigam Limited
Bharath Sanchar Bhavan
H.C.Mathur Lane, Janapath
New Delhi-110 001.
4. The Chief General Manager
Bharath Sanchara Nigam Limited
Karnataka Circle, No.1
Swamy Vivekananda Road
Halasuru, Bangalore-560 008.
5. The Assistant General Manager (Admin)
Bharath Sanchara Nigam Limited
Tumakuru Telecom District
Tumakuru-572 101.

...Respondents

(By Advocates Shri K.Gajendra Vasu for R1&2 and Shri N.Amaresh for R3-5)

O R D E R (ORAL)

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

Heard. The matter is in a very small compass. The applicant seeks compassionate appointment. His case is that earlier his case was rejected on the ground that the applicant is a married son of the deceased Govt. employee. He having married even before the demise of the Govt. employee became ineligible. It is correct that later on the DOPT has given clarification which we had an occasion to quash. The ground for such quashment is that under the Hindu Law and the pious obligation of an Indian, a person when he marries assumes the responsibility of marital life with a view that he is eligible and able to look after himself and his family. It is pointed out that there may be exceptions as if the applicant is pressured to marry and without his consent or on coercion he is made to marry, in such circumstances, there may be a different outlook. But normally when a person marries and if he is Hindu, the stipulation is that he is able to look after himself. There are no contrary pleadings and findings brought before the Court to prove that here is a case of otherwise. Therefore, there may not be anything wrong in Annexure-A5 issued by the respondents. But thereafter since the matter was remitted back to the respondents by this Tribunal on the other grounds also, it is taken up and found that the applicant earned 23 points which makes the level of indigency low and have disentitled him for consideration as the minimum required is 55 points. The minimum required 55 points arose as well as the numerical gradation because of judicial intervention only when it was found in other cases that the measure of personal hostility and anomalous or inclination may play an hand in it, we ourselves had

directed that there may be some sort of numerical gradation so that the objectivity can be maintained in it. The matter went to the Hon'ble Apex Court and the Apex Court having upheld it, it became concretized and provides a better methodology of consideration than the earlier one. Now the case of the applicant is that the death occurred in 2010 and therefore in relation to the earlier rule prevailing, the applicant should be considered. This also will not lie as the order relating to the issue has been issued by the BSNL in 2007 much before the demise of the Govt. employee. Therefore, this ground will not lie in favour of the applicant. Having found that the applicant is not eligible for compassionate appointment, we hold that the OA is without merit. Dismissed.

No costs.

(C.V.SANKAR)
MEMBER (A)

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

/ps/

Annexures referred to by the applicant in OA.No.170/00118/2017

Annexure A1: Copy of the Death Certificate dtd.29.09.2010
Annexure A2: Copy of the Death Certificate dtd.11.10.2010
Annexure A3: Copy of the survival Certificate dtd.15.12.2012
Annexure A4: Copy of the application
Annexure A5: Copy of the order dtd.6.2.2014
Annexure A6: Copy of the judgment made in OA.No.170/00536/2015
Annexure A7: Copy of the endorsement dtd.07.1.2016
Annexure A8: Copy of the SSLC marks card dtd.26.04.2005

Annexures with reply statement filed on behalf of R1 & R2:

-NIL-

Annexures with reply statement filed on behalf of R3 to 5:

Annexure-R1: Copy of physical verification report
Annexure-R2: Copy of check-list with reference to weightage point system
Annexure-R3: Copy of office memorandum dtd.09.10.1998

Annexures with rejoinder:

-NIL-

Annexures with written arguments filed by the applicant:

-NIL-
