

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No. 020/706/2017

Date of Order: 20.12.2018

Between:

Bakka Vijay, S/o. late B. Ashok Vardhan,
Aged 38 years, Occ: Unemployee,
R/o. H. No.54-17-42,
Varalakshmi Nagar, Beside Layolakaladarshini,
Vijayawada, Krishna District.

...Applicant

And

1. The Assistant General Manager (HR/Admn),
O/o. Principal General Manager,
Telecom, BSNL Bhavan, Chuttugunta,
Vijayawada, Krishna District.
2. The Bharat Sanchar Nigam Limited
(A Government of India Enterprise),
Rep. by its Principal General Manager,
Telecom, BNSL Bhavan, Chuttuguda,
Vijayawada, Krishna District.
3. The Bharat Sanchar Nigam Limited
Rep. by its Chairman cum Managing Director,
Corporate Office, 102/B, Statesman House,
148, Bharakamba Road, New Delhi.
4. The Sub-Divisional Engineer (Tech),
O/o. Divisional General Manager (Rural),
BSNL Annexure Building, Chuttugunta, Vijayawada,
Krishna District.
5. The Union of India, rep. by its
Secretary, Ministry of Communication and
Information and Technology, Department of Telecommunications,
421, Sanchar Bhavan, Ashok Road, New Delhi – 110 001.

...Respondents

Counsel for the Applicant ... Mr. M.R. Tagore

Counsel for the Respondents ... Mrs. K. Rajitha, Sr. CGSC
Mr. Yugandhar, Advocate for
Mrs. Yasasvi, SC for BSNL

CORAM:

Hon'ble Mr. B.V. Sudhakar ... Member (Admn.)

ORAL ORDER
{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.)}

2. The OA is filed for rejecting the claim of the applicant for compassionate appointment.
3. Brief facts of the case are that the father of the applicant while working in the respondents organisation has breathed his last on 29.10.2011. Applicant represented for compassionate appointment in June 2012. The respondents directed the applicant to submit the relevant documents on 2.6.2012 which he did on 1.3.2013. However, the respondents rejected his claim for compassionate appointment on 16.6.2017. Aggrieved about the same the OA has been filed.
4. The contentions of the applicant are that the impugned order dt 16.6.2017 is not a reasoned and a speaking order. After 3 years of the death of the applicant's father, new guidelines were issued on 1.10.2014 by B.S.N.L. Therefore the respondents should consider as per the earlier guidelines. As per the new policy the case of the applicant has to be considered for 3 consecutive years by the High power committee in the existing vacancies as on 31st March of every year. There is no time limit for considering compassionate appointment as held in OA 1020/2014 of this Tribunal.
5. Respondents inform that as the applicant has got only 36 marks against 55 required and hence his case was rejected by the High Power Committee formed for the purpose. Those who score more than 55 points but could not be given appointment due to relative merit among those who applied, such cases are considered for 3 consecutive years. All the cases received up to 31.3.2016 have been considered as per the new policy, including that of the applicant. A case

once rejected cannot be reopened as per rules is one another contention of the respondents.

6. Heard the learned counsel and perused the documents submitted. The learned counsel for the applicant has stressed that the impugned order is not a speaking and reasoned order. The 1st counsel for the respondents has stated that the respondents have followed rules.

7. The case details make it clear that the applicant has scored 36 marks against 55 required. Therefore he was rejected as per norms. This cannot be disputed since a High Power Committee has gone into the issue and objectively evaluated the applications received. As per the 2014 policy the compassionate appointment cases can be reviewed when a candidate gets more than 55 marks, on 3 consecutive occasions, if he could not be offered a job due to lack of vacancies in the year of consideration. In the present case, the applicant got less than 55 marks and hence he is not eligible for being considered on 3 consecutive occasions. The respondents made it candid that they are following the new policy. Hence there is no ambiguity on this count. Albeit the applicant was not selected, the impugned order issued by the respondents need to furnish required details to candidates, so that they know as to why they could not be considered. This is the fundamental Principle to be adhered to by the respondents in order to make the process transparent and also make it appear to be transparent. By adopting this approach, there would not be any heartburning among candidates who could not make it. This was the fervent plea made by the 1st counsel for the applicant which is fair and genuine.

8. Hence the respondents are directed to consider providing information about the number of vacancies, candidates considered, candidates selected, cut off mark and the marks scored by the applicant attribute wise in 30 days from the

receipt of this order. With this direction the OA is accordingly disposed of, with a proviso that the applicant has liberty to file a fresh OA, if he has any new grounds to contest his claim within the ambit of rules and regulations of the respondents organisation. There shall be no order to costs.

**(B.V. SUDHAKAR)
MEMBER (ADMN.)**

Dated, the 20th day of November, 2018

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