

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

Original Application No. 021/634/2017

Date of Order: 19.12.2018

Between:

N. Prasad, S/o. late S. Sayappa,
Aged about 27 years, Occ: Unemployee,
R/o. H. No. 8-2-34, Ambedkernagar,
Old Tandur, Vikarabad District.

...Applicant

And

1. Union of India, Rep. by its Chairman & Managing Director,
Bharat Sanchar Nigam Limited,
Bharat Sanchar Bhavan, Harish Chandra Mathur Lane
Janpath, New Delhi – 110 001.
2. The Chief General Manager,
BSNL, Door Sanchar Bhavan,
Nampally Station Road, Abids, Hyderabad.
3. The Principal General Manager, BSNL,
Hyderabad Telecom District, Suryalok Complex,
Hyderabad – 500 001.
4. The General Manager, BSNL,
Mahaboobnagar Telecom District,
Mahaboobnagar – 509050.
5. The Divisional Engineer (MTCE),
BSNL, Gadwal, Mahabubnagar District – 509 125.

...Respondents

Counsel for the Applicant ... Mr. Aravind, Advocate for
Mr. N. Ramesh

Counsel for the Respondents ... Mr. P. Ramakrishna, Advocate for
Smt. P. 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.)}

The OA is filed for rejecting the claim of the applicant for appointment on compassionate grounds.

2. The applicant's father who served the respondent organization as a Group D employee passed away on 06.10.2009 and survived by the applicant's mother and two sons. After the demise of the employee, the applicant's mother submitted a representation for compassionate appointment to be given to the applicant. The applicant made several representations, but as there was no response forthcoming from the respondents, he along with his mother filed OA 358/2017 before this Tribunal. During the pendency of the said OA, the 2nd respondent issued the impugned order dt. 05.05.2017 rejecting the claim of the applicant for compassionate appointment stating that the applicant has earned less than 55 points. As such, the OA 358/2017 was withdrawn and the present OA has been filed challenging the rejection order dt. 05.05.2017.

3. The contention of the applicant is that due to sudden demise of his father, the applicant's family is in financial distress. The applicant's mother is also suffering from various health problems. Nearly 9 years have passed since the death of his father, yet there is no relief in the form of appointment to the applicant on compassionate grounds, is the grievance of the applicant. The applicant, in fact had approached the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in WP No. 25067 of 2016, which was dismissed on 08.09.2016 directing the applicant to approach this Tribunal. Accordingly, the applicant did approach this Tribunal in OA 358/2017, which was, as already referred supra, withdrawn on 11.07.2017 in order to challenge the impugned rejection order dt. 05.05.2017. The sole

ground on which the request of the applicant has been rejected by the respondents is that the applicant has earned less than 55 points. The applicant further contends that he does not have any source of income. The family does not have any assets and that he comes from a rural background.

4. Heard learned counsel for both sides and perused the documents on record.

5. The respondents have an objective method of evaluating the applications for compassionate recruitment. As per their norms, the cases are evaluated based on different parameters like number of dependents, assets and liabilities, etc. Accordingly, the applicant's case was marked and he got less than 55 marks. Therefore, the respondents have rejected his case. The contention of the applicant is that he is from a poor family and from a rural area with meagre assets, etc. These aspects were reckoned while evaluating and marks were awarded to the applicant. After evaluation, his case has been considered by a high power committee and thereafter a decision has been taken. The applicant having got less marks than required to be eligible for compassionate appointment, there is no scope for this Tribunal to intervene. The action of the respondents is as per rules and hence the case is dismissed. However, the applicant is at liberty to file a fresh case if he has any new material to support his claim. There shall be no order as to costs.

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

Dated, the 19th day of November, 2018

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