

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

Original Application No.21/704/2018

Reserved on: 12.12.2018

Order pronounced on: 14.12.2018

Between:

V. Raghavendra Raju, S/o. late Sesham Raju,
Aged about 25 years, Occ: Unemployed, Gr. C,
R/o. Hanumanvada, Marikal Village and Mandal,
Mahabubnagar District – 509351.

...Applicant

And

1. Union of India, rep. by Secretary,
Department of Telecommunications,
20 Ashoka Road, New Delhi -1.
2. The Bharat Sanchar Nigam Limited,
Rep. by its Chairman cum Managing Director,
BSNL Corporate Officer, Barakumba Road,
Statesman House, New Delhi – 1.
3. The Chief General Manager,
Southern Telecom Region, BSNL, Chennai.
4. The Chief General Manager,
Telangana Telecom Circle (BSNL),
Door Sanchar Bhavan, Nampally Station Road,
Abids, Hyderabad – 500 001.
5. The General Manager Telecom District,
Mahabubnagar, Mahabubnagar District.

...Respondents

Counsel for the Applicant	...	Mr. B. Pavan Kumar
Counsel for the Respondents	...	Mrs.K. Rajitha, Sr. CGSC
		Mrs. P. Yasasvi, SC for BSNL

CORAM:

<i>Hon'ble Mr. B.V. Sudhakar</i>	...	<i>Member (Admn.)</i>
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ORDER

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

2. OA has been filed for not granting compassionate appointment to the applicant.

3. Brief facts of the case are that the applicant's father while working in the respondent organization died on 26.01.2012 leaving behind his wife, son and two unmarried daughters. The respondents organization took up the proposal of granting compassionate appointment to the applicant on seeking details by deputing a Welfare Officer to contact the applicants family. The Welfare Officer submitted the proposal on 26.02.2014. Certain other details were submitted by the Welfare Officer vide his report dated 26.11.2016. The applicant was informed by the respondent vide letter dt. 31.01.2017 that his case for compassionate appointment is under consideration by the High Power Committee. The respondents considered the request of the applicant for compassionate appointment on 19.06.2017 and rejected it based on overall assessment of the financial condition of the deceased official. Aggrieved over the same, the OA has been filed.

4. The contention of the applicant is that the impugned order is a non-speaking order. The applicants case has to be considered in view of the fact that the family is sizeable with two unmarried daughters, one son and deceased employee's wife. The applicant has got more than minimum marks of 55 to be considered for compassionate appointment. Having obtained the minimum marks, the ground for rejection by the respondents is unfair and irregular.

5. The respondents contend that it is not only the case of the applicant but in other cases also the request for compassionate appointment was rejected. Further, the respondents stated that the cases of those candidates who got more than 70 points were considered for the years 2015-16 & 2016-17. As the

applicant has got only 58 points, he could not be offered the appointment as there were no vacancies to consider.

6. Heard the learned counsel for both sides and perused the documents on record. Learned counsel for the applicant argued that though he got more than the minimum marks of 55 not offering compassionate appointment is hurting the applicant. Learned counsel for the respondents has stated that since there were other candidates who got more marks than the applicant, his case could not be considered.

7. As can be seen from the records, the respondents are offering compassionate appointment based on point system. A High Power Committee is considering different aspects of the applicants and thereafter appointing the candidates on compassionate grounds. In the present case, the applicant has got 58 marks which is more than the minimum required marks of 55. However, he got less than 70 marks which was the cut off mark to consider. Therefore, applicant could not be considered is the version of the learned counsel for the respondents. Nevertheless, the learned counsel for the respondents was fair enough to state that the case of the applicant will be considered in the next meeting of the High power committee. When questioned by the Bench as to for how many years the case of the applicant would be considered based on the 58 marks obtained by him, learned counsel for the respondents in response informed that as per rules, the case of the applicant shall be considered for 3 years by the high power committee. Learned counsel for the applicant agreed for the same and stated that in case the respondents consider the case of the applicant as per the said provision, that would suffice.

8. Keeping the above in view, the respondents are directed as under:
- i) to consider the case of the applicant for compassionate recruitment as per relevant rules and regulations for a period of 3 years.
 - ii) in case the applicant is found suitable based on the marks secured by him, compassionate appointment may be offered to him.
9. OA is accordingly allowed with no order as to costs.

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

Dated, the 14th day of December, 2018

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