

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA/020/00966/2016

Date of CAV : 12-11-2018  
Date of Order : 19-11-2018

Between :

Sanapthi Srinivasa Rao S/o late Appala Naidu,  
Aged about 36 years, Hindu, Male,  
R/o Torangalapalem Village, Yellamanchali Mandal,  
Visakhapatnam District – 531 055,  
Andhra Pradesh.

....Applicant

AND

1. The Chairman and Managing Director,  
BSNL Corporate Office, 102-B,  
Statesman House, New Delhi – 110 001.

2. Chief General Manager,  
The Bharat Sanchar Nigam Limited,  
Andhra Pradesh Circle, Door Sanchar Bhavan,  
Nampally Station Road, Hyderabad-500 001.

3. General Manager, Telecom,  
Dabagarden, Visakhapatnam-20,  
Andhra Pradesh.

...Respondents

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Counsel for the Applicant: Mr. S. Subramanyam

Counsel for the Respondents : Mr. P. Yasasvi, SC for BSNL

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CORAM :

THE HON'BLE MR.SWARUP KUMAR MISHRA, JUDICIAL MEMBER

(Order per Hon'ble Mr.Swarup Kumar Mishra, Judicial Member)

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This application is filed under section 19 of the Administrative Tribunals Act, 1985 to provide an employment on compassionate grounds by setting aside the impugned proceedings No. TA/STA(R)/13-90/2010/3,

DATED 16-04-2013 PASSED BY THE 2<sup>ND</sup> Respondent and consequent orders dated 18.03.2016 and pass such other and further order or orders are deemed fit and proper by this Tribunal in the circumstances of the case.

2. The brief facts of the case are that, the father of the applicant herein late Senapathi Appala Naidu was appointed as a Regular Majdoor, Employee No.11519 in 1<sup>st</sup> Respondent Department. It is respectfully submits that while in service the father of the applicant was expired on 15-07-2006 due to Heart attack at Bheemunipatnam, Visakhapatnam District. After death of the applicant's father, in the year 2007 the applicant approached 2<sup>nd</sup> Respondent's office and made an application with all relevant documents and submitted the application by hand, with a request to appoint him in the place of his father late Appala Naidu on compassionate grounds.

3. That the office of the 2<sup>nd</sup> respondent sent a letter to applicant dated 16-04-2013 at Hyderabad stating that as per final decision of the High Power Committee (HPC) of BSNL Corporate Office, New Delhi the applicant has got below 55 net weightage points. As such his application for compassionate appointment was rejected by circle High Power Committee.

4. The High Power Committee of BSNL Corporate office, New Delhi has not examined the statements recorded by the Assistant Engineer, BSNL, Yellamanchili Office in accordance with the provisions prescribed by the 1<sup>st</sup> Respondent and not followed the guidelines prescribed by the 1<sup>st</sup> Respondent and HPC not followed the provisions of weightage point system and the procedure for processing the cases of compassionate appointment.

The applicant submits that he is having weightage points above 55 as per their guidelines even though the respondents did not consider the applicant for compassionate appointment and rejected his application on the ground that the applicant is not having net 55 and above. Hence this application.

5. Respondents have filed reply statement stating that the applicant's father expired on 15-07-2006 due to heart attack at the age of 50 years after rendering service of 11 years leaving behind his wife, two married daughters and four sons. Sri S. Srinivasa Rao, the son of the deceased official applied for compassionate appointment. His case for employment in BSNL on compassionate grounds has been considered by the Circle High Power Committee in detail on 05-12-2012 and found as below :

No of dependents	5	=	25 points
Family pension	Rs.2720/-	=	14 points
Left out service	9 years	=	09 points
Terminal benefits	Rs.5,72,658/-	=	05 points
Accommodation	(Rent free)	=	00 points
Total		=	53 points

6. As per the Welfare Officer's report dated 14.09.2012, the dependants of the deceased official are residing in thatched house of the neighbour Sri B. Nookinaidu on rent free accommodation on compassionate grounds in Turangalapalem village. The case is examined as per the New Policy guidelines of BSNL wherein the weightage points system is introduced by BSNL Corporate Office, New Delhi letter dated 27.06.2007. According to these instructions, the cases with net weightage points "above 55" are considered as eligible for further

consideration and final decision by High Power Committee of BSNL, Corporate Office, New Delhi. The cases with net weight age points "below 55" are rejected by Circle HPC.

7. The Circle High Power Committee examined his case and found that the applicant was not eligible for compassionate appointment as he has earned only 53 points as mentioned above. Hence, the case for compassionate appointment was rejected by Circle HPC. The same was intimated to the applicant through a speaking order vide letter dated 16.04.2013. Respondents have also reply affidavit to the applicant's rejoinder and written arguments and the same have been perused carefully.

8. We have heard Mr. S. Subramanyam, learned counsel for the applicant and Mrs. P. Yasasvi, learned Standing Counsel for BSNL.

9. The father of the applicant died on 15.07.2006 while in harness. The application of the applicant was rejected by the Respondents on 16.04.2013 intimating that his case was considered on 05-12-2012 but he was not found eligible. It has been mentioned in the counter by the Respondents that the required weightage points was 55 and the applicant had secured 53 points only. In this regard the learned counsel for the applicant submits that point has not been awarded in his favour under the heading 'accommodation' and he is entitled to 10 points since he is not having any own house and the family was living in a rented accommodation. In this regard favourable report was submitted by the Welfare Officer vide report

dated 14.09.2012. But it was found by the CRC and the Welfare Officer that the family was living in house of another person without paying any rent on compassionate grounds. It was also found by the Welfare Officer that the family did not own any house. The learned counsel for the applicant has disputed the fact that the family was living in a rent free accommodation in a house of another person saying that the same was a temporary arrangement for a period of two months and in this regard he has submitted one certificate dated of the concerned Grampanchayat dated 29.10.2007 that the applicant is residing in a rented house and is not having any own house till date. The circumstances in which the said certificate could not be placed before the concerned authority are not known. However, taking into consideration the fact that the application for appointment on compassionate ground was not considered favourably, in the interest of justice, the Respondents are directed to reconsider the said aspect on the point of 'accommodation' and if necessary to look into the Welfare Officer's report already on record and give reasonable scope to the applicant to place material before the respondents and place the same before the CRC for reconsideration of the applicant's application for appointment on compassionate grounds and pass a speaking order within a period of three months from the date of receipt of a copy of this order.

10. Accordingly the Original Application is allowed with no order as to costs.

(SWARUP KUMAR MISHRA)

JUDICIAL MEMBER

Dated : 19<sup>th</sup> November, 2018.

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