

Reasoned

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH

JABALPUR

Original Application No.200/00021/2017

Jabalpur, this Thursday, the 02nd day of May, 2019

HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Hemraj Banskhar
S/o Late Panchamlal Banshkar,
aged about 30 years,
R/o Gopal Hotel Siddhbaba,
Near New Kalari,
District Jabalpur (M.P.) PIN 482001

-Applicant

(By Advocate –Ms. Neelam Goel)

V e r s u s

1. Bharat Sanchar Nigam Limited,
Through Chief General Manager,
BSNL Hoshangabad Road,
District Bhopal (M.P.) PIN 462015

2. General Manager,
Bharat Sanchar Nigam Limited Office,
CTO Compound
District Jabalpur (M.P.) 482001

-Respondents

(By Advocate –Shri Pranay Gupta)

ORDER

This Original Application has been filed by the applicant against the action of the respondents whereby the application for compassionate appointment has been

rejected on the ground that the applicant has obtained 54 merit points below the assessment criteria of 55 net points.

2. The applicant has prayed for the following reliefs:-

“8.1 It is, therefore, prayed that this Hon’ble Tribunal may kindly be pleased to direct the respondents for appointing the applicant on compassionate ground as he is scoring 64 marks including points for accommodation

8.2 Any other order/direction which this Hon’ble Administrative Tribunal considered fit, necessary and appropriate in the circumstances of the case may kindly be granted to the applicant.”

3. The brief facts of the case are that the father of the applicant (Shri Panchamlal Banshkar) while working in the office of respondent-department, died in harness. The applicant moved an application for compassionate appointment. The applicant obtained 54 points. The applicant submitted that the respondents have given NIL points against the column of ‘Accommodation’, whereas the applicant is residing in a rented house. In this regard the applicant has submitted certificate of his landlord Narmada Prasad dated 26.10.2015 (Annexure A/1) and

also certificate issued by Ward Member of Ward No.48 Siddhbaba dated 26.10.2015 (Annexure A-2). The applicant has also submitted an affidavit of his landlord Narmada Prasad dated 21.07.2009 to the respondents. Thereafter the applicant submitted representation dated 18.12.2015 (Annexure A/4) to the respondents for reconsideration of his case. On receipt of no response from the respondent-department, the applicant sought information from Right to Information Act, 2005 seeking information regarding assessment point of compassionate appointment in his case. The said information was received on 08.09.2016 wherein he had obtained 54 points.

4. The respondents have submitted their reply, wherein it has been submitted that the applicant's father has expired on 03.08.2005. On receipt of the application for grant of compassionate appointment from applicant, the respondents have deputed an officer for enquiry. The officer submitted his report vide Annexure R/1 wherein it has been stated that the applicant and his family are

residing in their own house. The High Power Committee assessed the case of applicant and awarded 54 points as per the Weightage Point System and since the persons who may obtain 55 or more points are covered within the definition of 'Indigent' for consideration of compassionate appointment. Hence the case of applicant was rejected. On rejection of his application, the mother of the applicant submitted a review application and also filed an affidavit executed by one Shri Narmada Prasad as her landlord of the applicant. In the said affidavit it has been stated that the applicant and his family is residing in a rented house and have no house of their own. It has been submitted in the affidavit that the mother of the applicant is paying Rs.800/-, whereas on examining it is found that he is claiming Rs.500/- only. The applicant and his mother themselves declared clearly that they are residing in their owned house as indicated in the enquiry report. During this long period of time, the applicant has never produced any receipts of rent in the department. Since the applicant

and the family of the deceased have already survived for more than 11 years after the death of deceased employee and they are getting family pension, hence no immediate financial support is required. The respondents further submitted that this Original Application is barred by limitation.

5. The applicant has filed the rejoinder. The applicant has reiterated its earlier stand taken in the Original Application. The applicant has submitted that the respondents have not given 10 point to the applicant in the 'Accommodation' head of assessment criteria as they are residing in the rented house.

6. Heard the learned counsel for both the parties and I have also gone through the pleadings and document attached with the Original Application.

7. From the pleadings it is admitted fact that the father of the applicant had expired and the applicant had applied for grant of compassionate appointment. The respondents

have deputed an officer for inquiry. As per inquiry report Annexure R/1, it is clear that the inspection has been done by the respondent-department wherein it has been mentioned in front of the column 'House' it is written 'self owned'. This has been signed by various members of the family namely Smt. Puniya Bai-wife, Shri Hemraj, Suraj Pal, Ajay sons and Kavita, Rekha, Surekha and Bhagwati- daughters. So, this document has been signed by Smt. Puniya Bai including the applicants and it has been clearly mentioned that the applicant owned their house. So, on that basis the officer deputed for the inspection has filed the inspection report Annexure R/2. It is also admitted fact that as per Annexure R/2, the widow of the deceased employee Smt. Puniya Bai had made representation in the month of May 2009 whereby it has been written that the applicant is residing in rented house of one Narmada Prasad for Rs.800/-. The verification has been done for information given in the representation itself and the official appointed for the said inquiry has filed the detailed

inspection report, which is based on information given by the family members. Such information is signed by the members of the family of the applicant including Smt. Puniya Bai wife of the deceased employee which is clear from Annexure R/1 at Page 36 of Paper book.

8. It has been specifically argued by the counsel for the respondents that the respondent-department has considered the case of the applicant as per the policy and 54 points has been awarded. The respondents have followed the weightage point system for considering the case of compassionate appointment. In the said weightage point system, the applicant has obtained 54 points whereas the cases with 55 or more net points have been considered by Corporate Office High Power Committee for compassionate appointment. So, it is clear from the inspection report Annexure R/1 which is corroborated and signed by all the members of the family of the deceased employee that the applicant have self owned house. The document regarding rented house signed by Narmada

Prasad is after the date of rejection of the application of the applicant for appointment on compassionate grounds, is after thought.

9. In view of the above, I do not find any merits in this Original Application. Hence, the same is dismissed. No costs.

**(Ramesh Singh Thakur)
Judicial Member**

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