

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Tuesday 30th day of October Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

THE HON'BLE MR. P. MADHAVAN, MEMBER (J)

M.A.310/604/2018

in

O.A./310/1470/2018

&

O.A./310/1470/2018

A. Yuvaraj,
S/o. Late Anbalagan,
No.16, Raji Street,
Chinna Sekkadu,
Manali, Chennai- 600 068.

.....Applicant in both MA & OA.

(By Advocate : M/s. R. Dhamodaran)

VS.

1. The Chief General Manager,
BSNL, Chennai Telephones,
Purasawalkam High Road,
Chennai- 600 007;
 2. The Deputy General Manager,
BSNL, Chennai Telephones,
No.89, Millers Road,
Chennai- 600 010;
 3. The Sub Divisional Engineer (Welfare),
O/o. The Deputy General Manager,
BSNL, Chennai Telephones,
No.89, Millers Road,
Chennai- 600 010.
-Respondents in both MA & OA.

(By Advocate:)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. M.A. 604/2018 is filed by the applicant seeking to condone the delay of 174 days in filing the O.A. Delay is condoned in consideration of the reasons stated therein. M.A. is allowed accordingly.

2. This OA is filed by the applicant seeking the following relief:-

“to call for the records of the first respondent order dated 28.05.2016 vide ASR/CGA/CHTD/1249/2009-16 and quash the same and consequently direct the respondents to provide compassionate ground appointment to the petitioner.”

3. It is submitted that the applicant was aggrieved by Annexure-A/9 communication dated 28.05.2016 by which his request for compassionate appointment was turned down on the ground that he had lower relative weightage points than the minimum required and, accordingly, his family was not indigent enough to warrant the grant of compassionate appointment. It is submitted that the applicant had been awarded 40 weightage points against a prescribed minimum of 55.

4. It is alleged that while making an assessment of the financial condition of the family, the competent authority overlooked Annexure-A/8 revision of weightage points dated 21.04.2016, according to which the applicant was entitled to 20 merit points for 'pension' whereas he had been awarded zero. Had he been awarded the weightage points correctly, he would have secured above the minimum and granted compassionate appointment. Aggrieved by the rejection of his case, the applicant is before this Tribunal seeking the aforesaid relief.

5. On perusal, it is seen that the applicant had made a representation dated 19.11.2014 followed by representations dated 27.12.2016, 15.02.2017 and 24.03.2017. The competent authority disposed of his representations by Annexure-A13 communication dated 21.04.2017 stating that the applicant's claim for revised weightage points of 60 was misplaced as there was no BSNL letter dated 08.10.2014 revising norms for award of

points as claimed by the applicant. As a matter of fact, there was only a revision of weightage points as per Annexure A8 circular dated 21.4.2016 which would not be applicable for the year 2015-2016.

6. After careful consideration of the submissions, we are of the view that applicant has failed to make out a case for reconsideration of Annexure-A/9 communication dated 28.05.2016 pertaining to the year 2015-2016 as it is seen that his case had been considered in July 2015 prior to the issue of Annexure A8 circular. Clearly, the norms approved for 2016-2017 and thereafter could not be applied retrospectively to a rejected case of 2015-16 with a view to reviving it. Accordingly, the O.A. is misconceived, devoid of merits and is liable to be dismissed. However, the dismissal of this OA would not be a bar for the respondents to consider the applicant's case in 2016-2017 and thereafter in terms of the number of vacancies, number of posts available for compassionate appointment, the applicant's relative weightage points etc and take an appropriate decision.

7. O.A. is disposed of in the above terms. There shall be no order as to costs.

(P. MADHAVAN)
MEMBER(J)

(R. RAMANUJAM)
MEMBER(A)

asvs.

30.10.2018