

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.1592/2018

Dated Wednesday, the 5th day of December, 2018

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

G.Sridevi,
Old No.23, New No.45,
Pillaiyar Koil Street,
Sattur 626 203, Virudhunagar District.

...Applicant

By Advocate M/s K.M.Ramesh

Vs.

1.Union of India,
Rep., by the Chairman & Managing Director,
Bharat Sanchar Nigam Limited,
Corporate Office, 102-B, Statesman House,
New Delhi 110 001.

2.The Chief General manager,
Bharat Sanchar Nigam Limited,
Tamil Nadu Circle, Chennai 600 006.

3.Dy.General manager (HR),
Bharat Sanchar Nigam Limited,
O/o. The Chief General Manager,
Tamil Nadu Circle, Chennai 600 006.

4.The General Manager,
Bharat Sanchar Nigam Limited,
Virudhunagar 626 001.

...Respondents

By Advocate Mr.M.S.Velusamy

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

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To call for the records from the files of the 4th respondent pertaining the impugned orders issued by him (I) Order bearing No.Q/Relax rectt/GS/2015/15 dated 28.07.2017 and (ii) Order bearing No.Q/RELAX-RECTT/GS/2014/23 dated 13.02.2018 and set aside both the orders and consequently direct the respondents to appoint the applicant on compassionate ground in any suitable post considering her educational qualification within a time frame; and to pass such further orders as this Hon'ble Tribunal may deem fit and proper.”

2. It is submitted that the applicant had sought compassionate appointment following the death of one M.Govindaraj (Ex.TM) who died on 08.08.2013 after putting eighteen years of service. The request of the applicant was turned down on the ground that on an assessment of the financial condition of the family, she was found to have scored 53 points against the prescribed minimum of 55 for compassionate appointment.

3. Learned counsel for the applicant would submit that the applicant had been assessed on the basis of the then prevailing norms whereas the respondents had revised the scheme by guidelines dated 21.03.2016 under which the applicant would qualify, if assessed accordingly. He would, therefore, seek a direction to the respondents to consider the case of the applicant as per the revised norms.

4. Mr.M.S.Velusamy, appearing for the respondents would submit that the applicant could not be considered for compassionate appointment as

she did not meet the minimum norms. The guidelines dated 21.04.2016 are not in the nature of a new scheme but only revising the norms in the light of revision of pay scales, pension, etc. In any case, the new norms could not reverse the assessment made in the years 2013, 2014 & 2015 and, therefore, there was no case for interference by this Tribunal. He would, however, fairly submit that the case of the applicant could be considered as per the revised weightage points for 2016 and thereafter, if the applicant made a representation in this regard.

5. Keeping in view the above submissions, the applicant is permitted to make a fresh representation for appointment in the years 2016 and thereafter in accordance with the revised weightage points system. On receipt of such representation, the respondents may consider her claim for the years 2016 to 2018 in accordance with the scheme unless the cases of compassionate appointment for these years have already been decided and the vacancies filled. In such an event, her request can be considered for the year 2019. OA is disposed of accordingly.

(P.MADHAVAN)
MEMBER(J)

(R.RAMANUJAM)
MEMBER (A)

05.12.2018

M.T.