

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01242/2016

Dated Thursday the 16th day of August Two Thousand Eighteen

PRESENT

HON'BLE MR. R. RAMANUJAM, Member (A)

M.Sudalaimani,
S/o late M.Murugakumar,
No. 3-B/105, Ganesan Colony 1st street,
Thoothukudi.Applicant

By Advocate M/s. S. Periyasamy

Vs

- 1.The Chairman and Managing Director,
BSNL Corporate Office,
Sanchar Bhavan,
No. 20, Ashoka Road,
New Delhi 110001.
- 2.The Assistant General Manager (Rectt),
Office of the General Manager BSNL,
Tamil Nadu Circle, Chennai 600002.
- 3.The Assistant General Manager (Admin/HR),
Office of the General Manager, BSNL,
Thoothukudi 628001.Respondents

By Advocate Mr. S. Udayakumar

ORAL ORDER

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

Heard. The applicant has filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

"a. To call for the records pertaining to the proceedings of the 3rd respondent in No. E2/Relax-Rectt/MM/12-13/64 dt. 23.01.2016 and quash the same as illegal, incompetent and ultravires and consequently direct the respondents to provide employment to the applicant on compassionate ground.

b. Pass such further or other orders as this Court deem fit and proper and render justice. "

2. It is submitted that the applicant was aggrieved by the rejection of his request for compassionate appointment by Annexure A19 communication dt. 23.01.2016 without disclosing the points awarded under different criteria and showing how the applicant failed to meet the criteria laid down to determine the indigent condition of the family. The respondents have now submitted a reply showing that the applicant scored 53 merit points against the minimum of 55 stipulated to be considered prima facie eligible for compassionate appointment. The break up of the merit points is seen at para 13 of the reply.

3. Learned counsel for the applicant would submit that the applicant did not seek to assail the weightage points granted under different criteria. He would, however, like to point out that he made the request for compassionate appointment in the year 2012 and the respondents took nearly 4 years to dispose of his case. Had his

financial condition been assessed at the relevant point of time, perhaps he would have met the minimum criteria.

4. Learned counsel for the respondents would, however, submit that the case of the applicant was assessed objectively and strictly in accordance with the guidelines and the applicant failed to get the minimum points required for consideration under compassionate appointment. Accordingly, he had no case to assail the impugned order.

5. Learned counsel for the applicant would submit that the applicant's case had been rejected under the 2007 scheme of compassionate appointment under which a provision existed for appeal and reconsideration under para 6.0 of the OM dt. 27.06.2007. As per this OM, any appeal for reconsideration of the already rejected case would also be considered according to the weightage point system and if in any appeal case, net points came to be 55 and above, the complete case alongwith the check-list would be sent to the corporate office for reconsideration. It is submitted that the applicant would be satisfied if he is granted liberty to make an appeal in this regard.

6. Keeping in view the above submission, the OA is disposed of with liberty to the applicant to submit an appeal to the competent authority bringing out any relevant points which in his view had been

omitted to be considered and showing how the applicant would be entitled to be granted 55 or higher merit points. On receipt of such appeal, the appellate authority shall consider the matter in accordance with the scheme and pass a reasoned and speaking order within a period of two months thereafter.

7. OA is disposed of. No costs.

(R. Ramanujam)
Member(A)
16.08.2018

SKSI