

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00800/2017**

Reserved on: 05/02/2019
Date of Order: 07/02/2019

C O R A M
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Vikram Kumar, S/o Late Anil Kumar Shahi, Village & PO- Anant Kamtaul, PS- Kudhni, District- Muzaffarpur.

..... Applicant.

- By Advocate: - Mr. J.K. Karn

-Versus-

1. Bharat Sanchar Nigam Limited through its Chief Manging Director, Bharat Sanchar Bhawan, Janpath, New Delhi- 110001.
2. The Chief General Manager, BSNL, Bihar Telecom Circle, Patna- 800001.
3. The Dy. General Manager (Admin), BSNL, O/o Chief General Manager, Bihar Telecom Circle, Patna- 800001.
4. The Assistant General Manager (Estt.), Bharat Sanchar Nigam Limited, O/o Chief General Manager, Bihar Telecom Circle, Patna- 800001.
5. The General Manager, BSNL, Muzaffarpur- 842001.

..... Respondents.

- By Advocate(s): - Mr. K.P. Narayan

O R D E R

Dinesh Sharma, A.M.:- The case of the applicant is that his father who was working as Telephone Mechanic in the BSNL died due to an accident while performing duty. This entitles him to get compassionate appointment without considering the weightage point system.

2. The respondents have denied that the applicant's father died while on duty. According to them, he died in a road accident while returning from duty. They have also alleged that the benefit of compassionate appointment without considering the weightage point is available only

when the death is due to an accident while performing duty such as electrocution, accidental mishap while attending telephone fault, telephone cable laying, militant attack, fire in telephone exchange, electrocution while attending faults in electrical equipment etc. Since the applicant's case does not fall into any of these types, he is not eligible for consideration without looking at the weightage point. The Corporation has assessed his eligibility on the basis of the weightage point system and he has scored only 8 points which is much less than the 55 points required to be recommended for selection. The concerned Committee CHPC, has, therefore, not recommended the case of the applicant and this has been informed to the applicant by way of a speaking order (Annexure A/1).

3. After going through the pleadings and hearing the learned counsels of both the parties, it is clear that even if it was to be admitted that the applicant's father died in a road accident while on duty this will not fall within the type of accidents for which the Corporation allows compassionate appointment without considering the weightage point. The circular dated 05.02.2016 which lays this condition leaves no doubt in this matter. Therefore, the rejection of the applicant's case by the speaking order at Annexure A/1 cannot be found fault with. The OA is, therefore, dismissed. No order as to costs.

**[Dinesh Sharma]
Administrative Member**

Srk.