

**CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH
CIRCUIT SITTING AT RANCHI**
OA/051/00973/2018

Date of Order: 28.11.2018

C O R A M

**HON'BLE SHRI JAYESH V. BHAIKARIA, JUDICIAL MEMBER
HON'BLE MR. B.V. SUDHAKAR, ADMINISTRATIVE MEMBER**

Sabal Paswan @ Sabal Kumar aged about 34 years, son of Late Ramashraya Paswan Mechanic office of Sub Divisional Engineer (Admin) BSNL, Jamshedpur (Jharkhand) at present residing at Village-Masarh, PO- Jagidari, PS- Ghosi, District- Jehanbad.

..... Applicant.

- By Advocate : Shri Abhyankar Keshary

-Versus-

1. The Union of India through Secretary, Bharat Sanchar Nigam Limited, Sanchar Bhawan, Delhi-1.
2. The Chief General Manager Telecom, Jharkhand, Telecom Circle, Bharat Sanchar Nigam Limited ARTC Campus, Hazaribagh Road, PO- Ranchi, District- Ranchi-834002.
3. The Divisional Engineer (Admin) Office GMTD, BSNL, Jamshedpur-831012.

..... Respondents.

- By Advocate :- Shri B.K. Pathak, SC for respondents BSNL.

O R D E R
[ORAL]

Per Mr. J.V. Bhairavia, J.M.:- The father of the applicant died on 14.10.2005. The dependent son of the late employee submitted an application for appointment on compassionate grounds before the concerned authority. The concerned respondent had acknowledged the same and asked for certain documents vide letter dated 27.09.2006 (Annexure A/5) which was submitted by the applicant. Therefore, the case of the applicant is that his case is required to be considered as per the policy in vogue at the relevant time, i.e. year 2005-06. However, his case was considered as per the new policy which was introduced on 27.06.2007 and according to the new policy, such applications were considered on the basis of weightage point. Since the Department has

awarded only 46 points which are less than cut off point 55 the applicant was not recommended vide their decision dated 06.05.2011. However, the core contention of the learned counsel for the applicant is that the respondents have wrongly applied the new policy while considering the case of the applicant and his case ought to have been considered on the basis of the policy existed in 2005-06 for appointment on compassionate grounds.

2. The learned counsel for the applicant further submits that he will be satisfied if appropriate direction is issued to the respondents to consider the case of the applicant on his fresh representation.

3. Shri B.K. Pathak, learned counsel for the respondents appears and fairly submits that if the applicant submits his fresh representation the same shall be taken into consideration in accordance with law and policy for compassionate appointment including the point about applicability of guidelines which was in vogue at the time when the applicant had submitted his application for compassionate appointment.

4. In the interest of justice, liberty is granted to the applicant to submit his fresh representation before the respondent no. 3 within a period of 15 days from today. It is also appropriate to direct the respondent no. 3 that on receipt of the fresh representation from the applicant, same shall be considered without influence of earlier decision dated 06.05.2011 and take appropriate decision and pass a reasoned and speaking order within 90 days. The OA is disposed of accordingly at the admission stage itself. No order as to costs.

[B.V. Sudhakar]
Administrative Tribunal

[J. V. Bhairavia]
Judicial Member

Srk.