

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No. 807/2019

New Delhi this the 09th day of April, 2019

Hon'ble Sh. Pradeep Kumar, Member (A)

Rahul Kumar,
S/o late Sh. Rabir Prasad
Age 20 years
R/o B-4/59, BGF,
Phase – IV, Aya Nagar,
New Delhi. ... Applicant
(By Advocate : Sh. Hem C Vashist Anuj Aggarwal

Versus

1. The DGM (HR)
Mahanagar Telephone Nigam Ltd.
CGO Complex, Lodhi Road,
New Delhi-110003.
2. Ministry of Communication
Through its Secretary
20, Sanchar Bhawan,
Ashoka Road,
New Delhi-110001 ...Respondents

ORDER (ORAL)

The applicant's father was working as a sales man in a canteen of MTNL and he unfortunately died on 15.04.2017 due to illness while he was 56 years of age. The deceased employee has left behind his widow, two daughters and one son namely the instant applicant.

2. The applicant had applied to MTNL for considering his case for compassionate appointment. MTNL vide letter dated 19.12.2018 have advised as under :-

“उपर्युक्त विषय पर आपके पत्र सं० शुन्य

दिनांक शून्य के सन्दर्भ में सूचित किया जाता है कि दूरसंचार क्षेत्र में अत्यधिक् तेजी से बदलाव के कारण महानगर टेलीफोन निगम लिमिटेड में स्टाफ की संख्या अधिक हैं। स्टाफ कम करने के लिए कई बार स्वैच्छिक सेवानिवृति योजना लाई गई, जिसमें बहुत से अधिकारियो एवं कर्मचारियों ने सेवानिवृति ली। साथ ही महानगर टेलीफोन निगम लिमिटेड की 192 वीं बोर्ड मीटिंग, दिनांक 16.02.2004 के निर्णयानुसार सभी तरह की भर्तियों पर रोक लगाई गई है, सिवाए कुछ क्षेत्रों के जहाँ कुशल पेशेवरों द्वारा प्रबंधन होना है।

अतः स्व० श्री रणवीर कुमार के पुत्र श्री राहुल कुमार की अनुकंपा के आधार पर नियुक्ति पर फ़िलहाल विचार नहीं किया जा सकता।”

The applicant is aggrieved that MTNL has not taken a decision sympathetically and he has been left in penury.

3. Matter has been heard at admission stage.
4. The compassionate ground appointment is not a vested right. It is only a policy for benevolent consideration which is to be extended by the department to take care of immediate needs of bereaved family and to avoid conditions of penury being faced by such a family.

In the instant case, in view of the financial stressful situation being faced by MTNL, they had decided vide Resolution dated 16.02.2004 that they will not appoint anybody on compassionate ground appointment for the time being.

5. The scheme for compassionate ground appointment cannot be a replacement for unemployment situation being faced by applicant. It is noted that applicant's mother is in receipt of family pension at the rate of

Rs. 11200/- PM during 16.4.2017 to 16.2.2024 and Rs 9000/- PM thereafter. In addition, DA is also admissible.

6. When MTNL is facing survival issues, the Tribunal does not find any fault with the decision of not considering any one for compassionate appointment which was communicated on 19.12.2018. Accordingly, the OA is dismissed being devoid of merits. No orders as to costs.

7. It is noted from MTNL letter Dt. 18.10.2017 that applicant's name is registered at Sl.No. 2017/44 by MTNL for compassionate appointments. The respondents shall, therefore, consider the case of the applicant if and when the MTNL decides to consider such requests in future as per rules existing at that time.

(Pradeep Kumar)
Member (A)

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