

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

O.A. No.954/2017

Tuesday, this the 2nd day of April 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Ashish Kumar s/o late Sh. Hari Lal
aged about 24 years
R/o W-176, Mukherjee Park
Tilak Nagar, Delhi – 110 018

...Applicant

(Mrs. Rani Chhabra, Advocate)

Versus

1. Bharat Sanchar Nigam Limited
Through its Managing Director
Sanchar Bhawan, New Delhi
2. Bharat Sanchar Nigam Limited
Govt. of India, Office of Chief General Manager
Telecom, Establishment Section
UP West Telecom Circle, 4th Floor
Shastri Nagar Meerut, UP
3. General Manager
Telecom District, Muzzaffarnagar, UP

...Respondents

(Mr. R V Sinha, Advocate for respondent Nos. 1 & 2 – *Nemo* for
respondent no.3)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The father of the applicant was employed in the Bharat Sanchar Nigam Limited (BSNL). He died while in service at the age of 52 years. The applicant made a request to the respondents to appoint him on compassionate grounds. The application was processed and through a letter dated 22.12.2016, the 1st

respondent informed the applicant that his case was considered in terms of the guidelines framed for this purpose and as against the 55 points, that enables the candidates to be considered for such benefits, the applicant secured only 52 points, and accordingly his case cannot be considered. The same is challenged in the instant O.A.

2. The applicant contends that evaluation undertaken by the respondents is not correct and that he is entitled to be considered for compassionate appointment since his family is under penurious condition.

3. Respondent Nos. 1 & 2 on the one hand and respondent No.3 on the other, filed two separate counter affidavits. An objection is raised as to the territorial jurisdiction of this Bench. On merits, it is stated that the case of the applicant was considered objectively and since he did not fit into the parameters, fixed for this purpose, he was found not fit and that the impugned order is passed accordingly.

4. We heard Mrs. Rani Chhabra, learned counsel for applicant and Mr. R V Sinha, learned counsel for respondent Nos. 1 & 2. There is no representation for respondent No.3.

5. The objection raised by the respondents as to the territorial jurisdiction of this Bench is no doubt valid. At the same time the applicant, who is unemployed and presently residing at

Delhi, cannot be required to file O.A. before the Allahabad Bench of this Tribunal. We accordingly treat the O.A. as having filed before the proper Bench.

6. Coming to the merits, it should be said to the credit of the respondents that they have evolved a perfect and objective formula to consider the case of this nature. Points on as many as eight parameters are awarded to candidates, who seek benefit of appointment on compassionate grounds. These include the left over service of the deceased employee, family pension, number of dependents, monthly income, etc. 55 points were stipulated as the benchmark for the purpose of consideration of the cases of this nature. The applicant secured only 52 points in this behalf. A reasoned and detailed order was passed. We do not find any factual or legal defect in the same.

7. The O.A. is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

April 2, 2019
/sunil/