

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 19th day of July 2019

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER – J

Original Application No.330/00365/2018

Km. Pratiksha daughter of Late Shri Om Prakash resident of Gali No.1,
Shankarpuri, Tehsil Shikohabad, District Firozabad.

..... Applicant

By Adv: Shri Anmol Tiwari

V E R S U S

1. Bharat Sanchar Nigam Limited, through it C.M.D. B.S.N.L. Bharat Sanchar Bhawan, New Delhi 110001.
2. Assistant General Manager (A-II, Telecom, (Establishment Section), Uttar Pradesh, West Telecom Circle, IVth Floor, Shashtri Nagar, Meerut.

..... Respondents

By Adv: Shri D.S. Shukla

ORDER

1. The present O.A. has been filed by applicant Km. Pratiksha seeking following reliefs:-

- "i. Quash the impugned order dated 04.08.2017 (Annexure No. A-1) passed by respondent No.2.
- ii. Issue an order or direction commanding the respondent No.2 to re-consider the claim of the applicant for appointment on compassionate ground under Dying in Harness Rules in place of his father namely Om Prakash by giving the 10 marks in place of 4th column prescribed for widow.

- iii. Issue any other order or direction which this Hon'ble Tribunal may deem fit and proper under the facts and circumstances of the case.
 - iv. Award cost of the application".
2. Case of applicant Pratiksha is that on death of her father Om Prakash on 02.12.2010 while in service of respondents department, she filed an application for appointment on compassionate ground which was rejected by respondent No. 2 vide impugned order dated 04.08.2017 on the ground that applicant obtained 50 marks which was less by 5 marks so as to qualify for appointment on compassionate grounds.
3. The impugned order 04.08.2017 reads as under:-

"mi ; 0r fo" k; ds l xdk ea vki dks voxr djuk gSfd ekuuh; U; k; ky; ds vksk fnukd 16-1-2017 ds vuq kj erd dephkj dh eR; q ds l e; vkond ik vlfJrrk fu/kkjr dj ml ds nks dk fuLrkj.k djus ds fy, dgk gM mijkDr okn l ; k 330@00988@2015 ds l xdk ea vki dks voxr djuk gSfd vuqdk ds vk/kkj ij fu; 0r ds ekeys ea l xdk/kr bdkbz dk dY; k.k vf/kdkjh] 0; fDrxr : lk l serd ds vlfJrks l sfeydj viuh n[kj[k ea l kjak QkeZ Hkjokrk gS rFk l Hh i i = iwZ djokrk gM vki dk ekeyk ifjehyh; mPpkf/kdkj l febr ds l e{k fnukd 30-05-2014 dks iLr q fd; k x; kA bl l xdk ea l febr }kjk vki ds ekeys ea Hkjr l pkj fuxe fyfeVM ds }kjk tkjh oVst vad izkkyh i = l ; k 273&18@2005&i l &prf[k fnukd 27-06-2007 ds vuq kj fu.kz; fy; k x; kA

bl l xdk ea vki dks voxr dj; k tkrk gS fd dephkj Lo0 Jh vke izdk'k 'kekZ Hk i 0 Vh , e dk; kD ft0 n 0 i 0 ftyk eSijh dk 53 o"K 6 ekg dh vk; q ea fu/ku gks x; kA eR; q ds l e; dephkj vius ihNs iRuh 1/2 yxHkx 53 o"K 0 , d i qh dq irh{k 1/2 yxHkx 21 o"K 2 NkM x; kA ifjokj Loq dsedku ea jg jgk gM vki dks : 0 8630 \$ vkbz Mh , 1/2 l xdk/kr iaku : 3923 1/2 dh nj l sifr ekg ikfjokjd iaku rFk dg l okr fgryHk : 17]67]574-00 dh /kujk'k iLr gDZ gM l kjak QkeZ ea vki ds }kjk nks vlfJr rFk , d vfookgr i qh n'kz h xbz Fkh ft l ds vuq kj iR; d vlfJr ds 5 vad rFk vfookgr i qh ds 5 vad ds vuq kj 15 vad fn; s x; s FkA

ch0 , l 0 , u 0 , y 0 }kjk vuoplák dh tksfu; qDr; ka dh tkrh g\$ og DQPT }kjk tkjh OM No. 14014/6/94 & LFKk 1/11/2 fnukad 09-10-1998 ds vud kj] ikjnf'krk cuk; sj[kus ds fy, ch0 , l 0 , u 0 , y 0 e[; ky; }kjk oVst vad izkkyh 273&18@2005&i l &prf[kz fnukad 27-06-2007 tkjh dh xbZ g\$ rFKk vuoplák vk/kfjr fu; qDr ds l Hh ekeys bl h ds vud kj fuLrkfjr fd; s tkrsgSft l ds vud kj vki ds dy 25 vad cus FkA

ekuuh; U; k; ky; ds vkn\$ fnukad 16-01-2017 ds i\$ k u 0 10 ds vud kj rFKk Hkjr l pkj fuxe fyfeVM ds }kjk tkjh oVst vad izkkyh i = l [; k 273&18@2005&i l &prf[kz fnukad 27-06-2007 ds vud kj oVst vad fuEufyf[kr gA

vkfJrks ds vad 5 vkfJr 1/4 kp vad ifr vkfJr: 1/2 fookfgr 30 vad i q-h 1 5 vad 1/2

1/2 f/kdre vad l hek 30% ekuuh; U; k; ky; ds vkn\$kkud kj

lkfjokfjd i \$ku 1/4 \$k\$ku i \$Z : 3923-00 vkBZ Mh , vFkok 04 vad l Hh, 50 ifr'kr 1/2

'k\$ l \$k vof/k 1/6 o'k 6 ek\$ 1/4 d vad ifro'k. 06 vad

vkond oVst 1/4 q-h vkond: 1/2 o/kok vkond dks 15 vad. 00 vad

Lkokr fgrykk 1/4 17]67]574@&: 1/4 0 10 yk[k l s vf/kd ij 00 vad 'k; vad 1/2

vkokl 1/2 dj; s ds edku ij 10 vad. 1/2 ekuuh; U; k; ky; ds 10 vad vkn\$kl kj 1/2

dy 50 vad

bl izdkj ekuuh; U; k; ky; ds vkn\$kkud kj , oa Hkjr l pkj fuxe }kjk tkjh vad izkkyh i = l [; k 273&18@2005&i l &prf[kz fnukad 27-06-2007 ds vud kj vki dsekeyseafu; qDr ds fy, 55 vad l s de gA

; g Hh voxr dj; k tkrk g\$ fd vki dk ekeyk fnukad 30-05-2014 dks vk; k\$tr g\$Z ijfeMy dh mPpkf/kdkj i ktr l febr dh cBd ds l e{k j[k x; kA fnukad 30-05-2014 dks ijfeMy dk; k\$y; ea mPPkkf/kdkj i ktr l febr l s l e{k dy 62 1/25 ekeys 55 vad l s vf/kd o 37 ekeys 55 vad

I s de½ j [ks x; s Abu ekeyls ea I s 55 vad I s vf/kd ds 18 ekeyls ij I fefr }kjk I rfr dh x; h rFlk 55 vad I s de ds 37 ekeyls ds fujLr djus dh fl Qkfj'k dh FlhA blgh ekeyls ea vki ds ekeys ea 25 vad gkus ds dkj.k fujLr djus dh fl Qkfj'k dh x; hA vc ekeys ea ekuuh; U;k;ky; }kjk tkjh vksk ds vuq kj mi jkDrkuq kj 50 vad curs gA vr%mi; Or rF; k ds vk/kj ij ekeys ea 55 vad I s de gkus ds dkj.k vki dk ekeyk Hkjr I pkj fuxe fyfeVM }kjk tkjh o/st vad izkkyh ds vuq kj iq% fujLr fd; k tkrk gA"

4. In substance as per impugned order, in terms of O.M. and B.S.N.L policy, the applicant got 25 points, which is less than minimum 55 points which is to be secured by the applicant to be considered for appointment on compassionate ground. In the meeting of competent authority there were 62 cases out of which 25 cases had more than 55 points and 37 cases had less than 55 points and 18 cases were approved and recommendation of rejection of 37 cases having less than 55 points was made. Therefore, the case of applicant having less than 55 points was recommended for not being accepted. Now as per direction of Hon'ble Court, applicant's points are calculated 50. Therefore, the points in your case being less than 55 are once more rejected.
5. Applicant challenges the impugned order dated 4.8.2017 on the ground that the marks have not been properly calculated and therefore, the impugned order is manifestly illegal and based on wrong facts and calculation. Hence, the present O.A.
6. In the counter affidavit, respondents have taken the plea that calculation of the marks allotted to applicant were made properly and in accordance with the rules and, therefore, rightly calculated and there is no infirmity in the marks awarded to the applicant.
7. I have heard and considered the submissions of learned counsel for the parties and gone through the pleadings on record.
8. Looking to the facts and circumstances of the case and the contention of learned counsel for the applicant that the marks have not calculated properly which forms the basis for acceptance or

rejection of the prayer of the applicant for being given appointment on compassionate basis, in interest of justice, applicant may file detailed representation within a period of two weeks before respondent No.2 showing the manner in which the miscalculation of the marks has been made by the respondents and what is the correct calculation of the marks to be awarded to her. Respondent No.2 shall consider the aforementioned representation made by the applicant within a period of 2 months from the date of receipt of a certified copy of the order and to see whether the calculation of the marks have been made in accordance with the policy laid down in the OMs and B.S.N.L. policy and pass the reasoned and speaking order with intimation to the applicant.

9. O.A is accordingly disposed of. No order as to costs.

(RAKESH SAGAR JAIN)
Member (J)

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