

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 27th day of September Two Thousand And Eighteen

PRESENT:

THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A./310/1280/2018

Ms. K. Saraswathy,
D/o. Late A. Karuppiah,
No.1/3192, P.K. Chettiar Street,
Pandian Nagar,
Virudhunagar- 626 001.

.....Applicant

(By Advocate : Mr. V. Vijay Shankar)

VS.

1. The Union of India Rep. by its
Chief General Manager,
BSNL, Tamilnadu Circle,
Chennai- 600 006;
2. The Chief General Manager,
Southern Telecom Region,
11, Link Road, Ganapathy Colony,
Guindy, Chennai- 32.

... ..Respondents

(By Advocate: Mr.Velusamy)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

Heard. This O.A has been filed by the applicant seeking the following reliefs:-

“to call for the records relating to the respondent in its No. RET/31-20/2012 dated 29.3.2018 and quash the same and consequently direct the respondents to appoint on compassionate ground in any suitable post commensurate with her educational qualification.”

2. It is submitted that the applicant had filed OA 20/2016 with regard to her request for compassionate appointment which was allowed by Annexure A/7 order dated 10.3.2017 wherein it was observed that the respondents had not assessed the applicant's indigent circumstances as per the guidelines dated 09.10.1998 which was not permissible. Accordingly, the impugned orders rejecting the applicant's claim for compassionate appointment were quashed and the respondents were directed to reconsider the claim of the applicant seeking appointment on compassionate grounds strictly on the basis of the guidelines framed by the DoP&T and pass a reasoned and considered order.

3. The grievance of the applicant is that the authorities have now issued a communication addressed to the applicant dated 28.3.2018 merely informing the applicant that the Circle High Power Committee in its overall assessment concluded that the family of the ex-employee, had not been found to meet the criteria laid down for indigent condition after considering

the details of assets, liabilities, size and essential needs of the family, the pension, terminal benefits received by the applicant, ownership of house property and education of the applicant and, accordingly, found not eligible for appointment and, therefore, her request for reconsideration had been rejected by the committee.

4. Learned counsel for the applicant would submit that inasmuch as the respondents had been directed to pass a reasoned and considered order, the impugned communication lacks in both viz., how exactly the indigent condition of the applicant had been assessed in terms of the criteria mentioned therein, whether any point system was adopted, number of persons who were considered and how the applicants had been assessed as less deserving than the selected candidates on a relative basis. Merely stating that the committee was satisfied that the applicant did not fulfil the criteria could not be regarded as compliance of the order of this Tribunal, it is contended.

5. Mr. Velusamy, Ld. Standing counsel takes notices for the respondents submits that the respondents would not be averse in passing a reasoned and speaking order if so directed by the Tribunal.

6. Keeping in view of the aforesaid circumstances and fact that the communication dated 28.3.2018 is a non speaking one, the respondents are directed to withdraw the same and pass a reasoned and speaking order duly disclosing number of posts available for compassionate appointment in the relevant period, details of the objective criteria adopted for assessing

individual claims on factors, such as, assets, liabilities, size, essential needs of the family, pension, terminal benefits received, ownership of house property, education etc., the aggregate as well as the breakup of the points awarded on each of the criteria to the applicant and the aggregate merit points of the last selected candidate in the relevant year within a period of four weeks from the date of receipt of copy of this order.

7. The OA is disposed of with the above terms. No costs.

(R. RAMANUJAM)
MEMBER(A)

asvs.

27.09.2018