

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**O.A No. 180/01032/2018**

Wednesday, this the 25<sup>th</sup> September, 2019.

**CORAM:**

**HON'BLE Mr. ASHISH KALIA, JUDICIAL MEMBER**

Renuka K, 45 years,  
W/o. Muraleedharan. K (late),  
Kurumgattil House, Near Siva Temple,  
Panamukku (P.O.), Nedupuzha,  
Thrissur – 680 007. - Applicant

[By Advocate : Mr. P. Nandakumar – Not present]

**Versus**

1. Bharat Sanchar Nigam Limited  
represented by its Chairman and Managing Director,  
Bharat Sanchar Bhavan, Harish Chandra Mathur Lane,  
Janpath, New Delhi – 110 001.
2. The General Manager,  
Telecom District, BSNL Bhavan,  
Kovilakathumpadam, Thrissur – 680 022.
3. The Chief General Manager,  
BSNL, Office of the Chief General Manager,  
Kerala Telecom, Thiruvananthapuram – 695 033.
4. The Assistant General Manager (R&E),  
Office of the CGMT, Kerala Circle,  
Thiruvananthapuram – 695 033. - Respondents

[By Advocate : Mrs. Girija K. Gopal]

The application having been heard on 25.09.2019, the Tribunal on the same day delivered the following:

**O R D E R**

**Per: Ashish Kalia, Judicial Member**

The applicant is the widow of late Muraleedharan K, who died in harness while working as Telecom Mechanic at the Thrissur Central Telephone Exchange under respondent No. 2 on 06.08.2015. The

deceased is survived by the applicant, son and an unmarried daughter. The deceased was the sole breadwinner and only source of income for the family, the family was reduced to penury and was in utter financial distress and neither had a house of their own and was not in a position to afford a rented accommodation. After the death of the deceased employee, the applicant applied for an appointment under the Compassionate Appointment Scheme as per Annexure A-3. The 4<sup>th</sup> respondent has issued a communication dated 14.06.2018 rejecting the applicant's application for appointment under the compassionate appointment scheme without awarding any weightage points under the head "accommodation".

2. The respondents put appearance and filed a detailed reply thereto and submitted therein that applicant has mis-represented to the Prime Minister's Office while disclosing the fact that the applicant has no house and land. The relevant paragraphs of the reply statement filed by the respondents are quoted below:-

*" 8. It is submitted that the applicant, Smt. Renuka K., who is the wife of the deceased, has submitted a Mercy Petition dated 06.01.2016 before the Hon'ble Prime Minister of India and the same was received by the respondent's office. After receipt of the petition, the respondent office acted promptly and necessary guidelines/directions were given to the applicant to submit an application in the prescribed proforma for employment in BSNL in relaxation of normal recruitment rules on compassionate grounds with all necessary supporting documents to the respondents. On receipt of the above said application dated 17.05.2016 from the applicant, the respondent's office scrutinized the application as per rules on the subject. The allegation of the applicant in the O.A that the applicant and family are not having a house of their own is not true. The Annual Return of Immovable Property submitted by the deceased Shri Muraleedharan K., Telecom Mechanic (TM)*

in OCB Telephone Exchange, Thrissur on 20.04.2013 clearly states that he owns a house in Viyyur Village Building No. 315/7-P at Thrissur Taluk. A copy of the Annual Return of Immovable Property submitted by the applicant's husband is produced herewith and marked as Annexure R-1(d). Further, a statement from Senior Manager, Canara Bank, Thrissur stating closure of housing loan account No. 0721619011545 substantiates that the family own a house. The statement from Senior Manager, Canara Bank, Thrissur is produced herewith and marked as Annexure R-1(e). Thus, it is evident that the family has no liability towards the accommodation and hence the applicant is not eligible for 10 points under 'Accommodation' factor as per the weightage scheme.

9. The application for Compassionate Ground appointment submitted by the applicant was duly considered by the Circle High Power Committee in its meeting held on 05.04.2018 in accordance with the guidelines issued by Govt. of India and BSNL time to time and the uniform policy of weightage point issued by BSNL vide Annexure R-1(b). The committee, has gone through the facts and details produced along with the application thoroughly in line with the prevailing guidelines on the subject and has not found any reasons to consider the family of deceased in indigent condition so as to offer appointment to the petitioner. Further, the applicant has scored only 47 points instead of the requisite score of 55 envisaged in the uniform weightage scheme issued by BSNL Corporate Office vide order dated 27.06.2007. Hence, the application for Compassionate Ground Appointment submitted by the applicant was rejected by the Competent Authority and the same was communicated to her vide this office letter dated 14.06.2018.

10. It is submitted that owning a house is not only the criterion for rejection the instant case. The applicant's case does not fall in the wider parameters stipulated in the letter referred above and not fulfill the requirement of rules. The claim of the applicant altogether failed to catch any notch to fall in the prescribed criteria and thereby does not carry any merit for consideration for compassionate appointment.

11. The applicant Smt Renuka.K., who is the wife of the deceased, has received a total amount of Rs. 18,06,581/- in lieu of the terminal benefits accrued. The applicant is also receiving enhanced pension of Rs. 18,963/- (9360/- + 102.6% as on 01.07.2015). The applicant is eligible for enhanced pension for a period of 10 years from the date of death. The applicant has deliberately suppressed the fact of owning a house by her husband, which in fact, is established by the Annual Immovable property declaration made by the deceased and the report submitted by the welfare officer. Further, the applicant has failed to provide any substantive documents proving her claim that they do not own a house.

12. As per the weightage point system, in the instant case, the total weightage point secured was 47 only. Hence, the application of the petitioner was rejected and the same was communicated to the applicant vide letter dated 14.06.2018 produced as Annexur A-

5. The weightage points allotted to the applicant as envisaged in BSNL Corporate Office order dated 27.06.2007 is as follows:-

Sl. No.	Item	Points received	Remarks
1	Dependent's weightage	20	As per status of the dependents
2	Basic family pension (Pre-revised)	4	Rs. 3751-4000→4
3	Left out service	8	8 years→8
4	Applicant's weightage	15	Wife is the applicant → 15
5	Terminal benefits	0	> Rs. 10 lakhs →NIL
6	Accommodation	0	Own house / No liability of paying rent → 0
7	Monthly income (negative points)	0	Additional income upto 4000 p.m → 0
8	Belated requests (negative points)	0	0 to $\leq$ 5 years → 0
	<b>Total Points</b>	<b>47</b>	<b>&lt; 55 points INELIGIBLE”</b>

3. The learned counsel for the respondents Mrs. Girija K. Gopal drawn my attention to the judgment in **Auditor General of India and others v. G. Ananta Rajeswara Rao (1994) 1 SCC 192** and **Umesh Kumar Nagpal v. State of Haryana and other (JT 1994 (3) SC 525)**.

4. After perusal of the records, this Tribunal finds truth in the submission made by the respondents that the applicant has availed a housing loan from Canara Bank and TCS for Rs. 6,89,963/- . Thus, I find no reason to interfere in this matter. Whereas the applicant submitted in her representation to the Hon'ble Prime Minister stating that she is not having any house of her own. Further, nothing has been pointed out the applicant that the Department has not considered her case in proper manner for considering the penury circumstances as per the criteria laid

down under the Scheme for giving compassionate appointment to her. As she has been awarded 47 points in this regard which is below the cut-off mark, i.e. 55 points.

5. Thus, this Tribunal is of the view that the judgment passed by the Apex Court in **Auditor General of India and others v. G. Ananta Rajeswara Rao (1994) 1SCC 192** held that appointment on ground of descent clearly violates Article 16 (2) of the Constitution, but if the appointment is confined to the son or daughter or widow of the government servant who died in harness and who needs immediate appointment on grounds of immediate need or assistance in the even of there being no other earning member in the family to supplement the loss of income from the bread winner to relieve the economic distress of the members of the family, it is unexceptionable.

6. In the facts and circumstances of the case, this Tribunal holds that present O.A lacks merit, the same is liable to be dismissed. Ordered accordingly. There shall be no order as to costs.

(Dated, 25<sup>th</sup> September, 2019.)

**(ASHISH KALIA)  
JUDICIAL MEMBER**

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Applicant's Annexures

Annexure A-1 - True copy of representation submitted by the applicant dated 06.01.2016.

Annexure A-2 - True copy of communication No. STA/242-2/ CGA-GENL/2011-16/Col. II/60 dated 11.01.2016 issued by the 2<sup>nd</sup> respondent.

Annexure A-3 - True copy of application dated 17.05.2016 submitted by the applicant.

Annexure A-4 - True copy of letter No. 273-18/2005-Pers. IV dated 27.06.2007.

Annexure A-5 - True copy of communication No. ES/9/18/2016/3 dated 14.06.2018 issued by the 4<sup>th</sup> respondent.

Annexure A-6 - True copy of clarification No. 273-18/2013/CGA/Estt -IV dated 13.08.2018 issued by the 1<sup>st</sup> respondent.

Annexures of Respondents

Annexure R-1 (a) - True copy of the instructions issued by the Ministry of Personnel, Public Grievances & Pension, Department of Personnel and Training, Govt. of India under letter No. 14014/6/94-Estt (D)-dated 9<sup>th</sup> October, 1998.

Annexure R-1(b) - True copy of letter No. 273-18/2005-Pers. IV dated 27.06.2007.

Annexure R-1 (c) - True copy of the letter No. 268-79/2002-Pers. IV dated 27.12.2006.

Annexure R-1(d) - True copy of the Annual Return of Immovable Property submitted by the applicant's husband.

Annexure R-1 (e) - True copy of the statement from Senior Manager, Canara Bank, Thrissur.

Annexure R-1 (f) - True copy of the clarification letter No. 268-Gen. Corr/2010-Pers. IV dated 13.02.2014.

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