

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA 020/0463/2019
with M.A/20/371/2019

Date of order : 16.08.2019

Between:

Smt. K.RAJANI,
W/o late K.V.V.Prasad, Ex-Telephone Mechanic,
Aged 39 years,
R/o Madhu Classic, No.403,
Jammi Chettu Road,
Near Sai Baba Temple, Prasadampadu,
Vijayawada 521 108.

APPLICANT

A N D

1. Union of India through Bharat Sanchar Nigam Limited,
Rep by its Chairman and Managing Director,
BSNL Bhavan, Harischandra Mathur Lane,
Janpath, New Delhi,
- 2 The Principal General Manager,
Bharat Sanchar Nigam Limited,
A.P.Telecom Circle, BSNL Bhavan,
Chuttugunta,
Vijayawada 520004,
3. The General Manager,
Bharat Sanchar Nigam Limited,
Vijayawada.

RESPONDENTS

Counsel for the applicant : P.Venkata Rama Sarma

Counsel for the respondents : Mrs. K.Sridevi,
SC for BSNL.

C O R A M :

THE HON'BLE MR. B V SUDHAKAR, MEMBER (A)

ORAL ORDER

M.A. filed for condonation of delay of 215 days is allowed on the grounds stated by the applicant namely, that her poverty and health did not permit her to approach the Tribunal in time.

2. OA has been filed for not considering the request of the applicant for compassionate appointment.

3. Brief facts of the case are that the applicant's husband while working in the respondents-organisation, died on 27.01.2012 leaving behind two sons who are unmarried. Applicant is Bachelor of Arts and has also passed Typewriting (English) Lower Grade in the year 2003. Besides, she has completed Post Graduate Diploma in Computer Applications in 2004. Applicant, on the death of her husband, has submitted full details in regard to movable/immovable properties, source of income and the liabilities she had, in response to letter dated 12.12.2012 of the respondents, to consider her case for compassionate appointment. Terminal benefit to the extent of Rs.9,08,726/- has been paid to her deducting the amounts pertaining to Court cases and bank loans. Respondents have examined her case for compassionate recruitment and the same was rejected by the Circle High Power Committee met on 19.10.2016 and 25.3.2017. Aggrieved over the same, applicant has filed the present OA.

4. Contentions of the applicant are that respondents, while allotting the marks to different attributes, have made a mistake in allotting correct marks in terms of terminal benefits paid to the applicant. Applicant was

awarded 54 marks against the required threshold points of 55. As she was short of one point, her request for compassionate appointment was rejected. Had the marks been correctly allotted as per respondents' guidelines, applicant would have got more than 55. Therefore, for the wrong allotment of marks, applicant should not be penalized, is the main contention of the applicant.

5. Respondents have not filed the reply despite the fact that OA has been filed in April 2019. Ample opportunities were granted to file reply, but since the same has not been filed, case was heard in order not to procrastinate the issue.

6. Heard both counsel and perused the pleadings on record.

7. Respondents have evolved a system of allotting marks to various attributes like pension granted, terminal benefits released, number of dependents, etc. in evaluating applications for compassionate recruitment. In regard to the case of the applicant, number of marks awarded were 54 against 55 required. Applicant pointed out that there has been a mistake in regard to the points that have to be allotted in regard to terminal benefits released. Applicant states that the marks have been given after taking terminal benefits released into account, instead of considering the actual amounts received by her after deductions towards court cases, bank loans etc. If this factor is correctly considered, then applicant would have got few more marks and therefore would have been eligible for compassionate appointment.

8. Learned counsel for respondents has submitted a letter dated 09.04.2019 wherein a decision was taken to keep compassionate appointments in abeyance for a period of three years for the vacancies arising after 01.04.2018 due to stressed financial condition of the respondents-organization. They intend to review compassionate appointment cases after three years as a matter of policy.

9. In view of the above submission, respondents are directed to consider the case of the applicant as and when they commence processing of compassionate appointments after a period of three years, as decided by them. While considering the case of the applicant, previous rejection need to be ignored and consider afresh based on the extant rules and regulations that would be framed by respondents in future.

10. With the above direction, OA is disposed of with no order as to costs.

(B.V.SUDHAKAR)
MEMBER (A)

vsn