

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.290/00148/2015

Jodhpur, this the 24th September, 2019

CORAM

Hon'ble Smt Hina P. Shah, Judicial Member

Smt. Manju Devi W/o Late Shri Jagdish Singh aged about 46 years, resident of Ward No. 11, Rawla Mandi, Tehsil-Gharsana, District-Shriganga Nagar. Her husband was last employed in BSNL Rawla Mandi.

.....Applicant

By Advocate : Mr Vinay Chhipa.

Versus

1. Bharat Sanchar Nigam Limited, Through the Chief General Manager, Telecommunication, Rajasthan Telecom Circle, Sardar Patel Marg, Jaipur.
2. General Manager, Telecommunication, District Sri Ganganagar.
3. Assistant General Manager (Recruitment) B.S.N.L., Office of Chief General Manager, Telecommunication, CGMT Rajasthan Telecom Circle, Jaipur

.....Respondents

By Advocate : None present.

ORDER (Oral)

Per Smt. Hina P. Shah

Heard learned counsel for the applicant.

2. This Tribunal notices that counsel for the respondents was not present on several dates and particularly on previous two dates viz. 08.05.2019 and 28.08.2019, none was present for the applicant. Since, matter relates to the compassionate appointment and the same is pending before this Tribunal from

the year 2015, therefore, this Tribunal decided ex-party hearing and disposal of the matter as per Rule 16 of CAT (Procedure) Rules, 1987.

3. Pleaded case of the applicant is that her husband died on 14.09.2006 while in service. With the consent of the family, applicant's elder son namely Ram Singh, submitted application to the respondents on 13.12.2007 for appointment on compassionate grounds after death of his father. However, case of the applicant's elder son was rejected by the respondents vide order dated 11.06.2010 (Annex. A/3) as he got only 44 weightage points which were less than minimum bench mark of 55 weightage point. While rejecting the claim of applicant's elder son, respondents communicated vide letter dated 03.09.2010 (Annex. A/4) that widow of deceased government servant may apply, i.e. applicant, if she so desires. Thereafter, applicant applied for compassionate appointment in prescribed performa on 28.01.2012 (Annex. A/7). However, her case was rejected vide impugned order dated 31.03.2013 on the ground that family is not living in indigent condition as she got only 54 weightage points, which is less than minimum 55 weightage points required as per BSNL Headquarter letter dated 27.06.2007.

4. In reply, respondents have stated that appointments on compassionate grounds against a post in Central Government are regulated in terms of the provisions of "Scheme for

Compassionate Appointment under Central Government” issued under DoP&T O.M. No. 14014/6/1994-Estt (D) dated 09.10.1998 as amended from time to time. Subsequently, weightage point system was introduced with the approval of the Management Committee of the BSNL Board vide letter dated 27.06.2007 in order to bring uniformity in assessment of indigent condition of the deceased family for offering Compassionate Ground Appointment (CGA). In pursuance of the said order, the respondents considered the case of applicant and it was found that applicant Smt. Manju Devi is not eligible for appointment on compassionate ground because as per weightage points, the points scored by the applicant Smt. Manju Devi was only 54 which is less than the 55 points.

5. At the outset, learned counsel for the applicant submits that counsel for the respondents is not present today as well as on last two occasions. He further submits that applicant would be satisfied if respondents inform her break up of weightage points allotted to her and further take into account the fact that applicant does not possess her own house as mere signature of the applicant in the affidavit or name of the applicant in the electricity is not a legal and valid foundation to decide that she is having own house in view of the fact that she does not have title of the property.

6. I have considered the limited prayer made by counsel for the applicant and perused the record.

7. Though counsel for the respondents is not present on three occasions but looking to the fact that matter of compassionate appointment is pending for so long and respondents are not showing interest, I deem it appropriate to decide the matter on merits taking into account written statement filed by the respondents.

8. On perusal of record, I find that deceased employee has died on 14.09.2006 and his elder son of the deceased family applied for compassionate appointment, which was rejected vide order dated 11.06.2010 (Annex. A/3). Thereafter in pursuance of information under RTI given by the respondents vide 03.09.2010, wife of the deceased employee, i.e. the applicant applied for compassionate appointment on 28.01.2012 (Annex. A/7), which was rejected vide impugned order dated 31.12.2013 (Annex. A/1) on the ground that she had secured only 54 weightage points against 55 minimum points required as per letter of BSNL Board dated 27.06.2007. Here, I would like to observe that can cases of Compassionate Grounds Appointments be considered of more than one legal heirs of the deceased Government Servant.(i.e.) Wife, Son, Daughter once claim of one legal heir is rejected, as per prevalent policy? None of the parties have brought on record the Policy document against which these cases have been considered.

9. Be as it may, fact of the matter is that respondents did consider the case of the applicant after rejecting compassionate ground appointment case of elder son of deceased employee. Learned counsel for the applicant has sought a limited prayer that applicant may be informed break up of weightage points and considering the fact that she does not possess title of the house in which she lives, therefore, in the facts and circumstance of the present case, I deem it appropriate to dispose of the present OA with certain directions.

10. Accordingly, respondents are directed to inform the applicant break up of weightage points awarded to her under each Head as per impugned order dated 31.12.2013, within three months from the date of receipt of a copy of this order. The applicant may raise disputed fact of possession of own house before the respondents by way of representation with 02 weeks from the date of receipt of a copy of this order and respondents shall dispose of the same within 04 weeks thereafter.

11. In terms of above directions, OA is disposed of with no order as to costs.

[Hina P. Shah]
Judicial Member

Ss/-