

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.290/00070/2018

With

Miscellaneous Application No. 290/00038/2018

Jodhpur, this the 17th September, 2019

CORAM

Hon'ble Smt Hina P. Shah, Judicial Member

Anil Kumar Matoliya S/o Late Shri Satya Narain Matoliya, aged about 28 years, resident of Shingoli Shyam Mohalla, Mandal, District Bhilwara.

.....Applicant

By Advocate : Mr Om Rajpurohit.

Versus

1. The Chief General Manager, Rajasthan Telecom Circle, BSNL, Sardar Patel Marg, C-Scheme, Jaipur.
2. The Chairman & Managing Director, 36, Harish Chandra Mathur Lane, Janpath, New Delhi.
3. Assistant General Manager (Recruitment), B.S.N.L., Jaipur.

.....Respondents

By Advocate : Mr Kamal Dave.

ORDER (Oral)

Per Smt. Hina P. Shah

The present OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging impugned order dated 25.09.2014 passed by respondent No. 3 in pursuance of order dated 03.07.2014 passed by this Tribunal in earlier round of litigation in OA No. 128/2013 and sought relief

with regard to a direction on the respondents to grant him compassionate appointment.

2. Father of the applicant Late Shri Satya Narain Matoliya was working in the BSNL on the post of Telecom Mechanic and he died on 12.12.2006 while in service. He applied for compassionate appointment and his case was rejected for compassionate appointment by the High Power Committee of BSNL Headquarter and he was communicated about the said decision vide letters dated 03.07.2012 & 27.06.2012 (Annex. A/18). The applicant approached this Tribunal in OA No. 128/2013 and the Division Bench of this Tribunal by order dated 03.07.2014 in OA No. 128/2013, set aside the Annex. A/18 communication with a direction to the respondents to inform the applicant about the marks allotted on each count to him by a reasoned and speaking order.

3. In pursuance of order dated 03.07.2014 passed by this Tribunal in OA No. 128/2013, respondent No. 3 issued impugned order dated 25.09.2014 (Annex. A/1) informing the applicant that in view of limited number of vacancy in Compassionate Ground Appointment (CGA) quota which is offered to more needy candidates, the BSNL Corporate Office High Power Committee did not find the family of deceased to be living in indigent condition to offer compassionate ground appointment to him. Alongwith the impugned order, respondents also provided the applicant

'Check-list with reference to weightage point system' wherein applicant has been given marks for various items aggregating to 64 points/marks in all.

4. The present OA should have been filed by the applicant within one year from the date of passing of final order, i.e. 25.09.2014 as per section 21 of the Administrative Tribunals Act, 1985 but the same has been presented before the Registrar of this Tribunal on 02.02.2018. The applicant filed an application No. 290/00038/18 seeking condonation of delay in filing the present OA on the ground that impugned order was served upon his mother who is an illiterate lady and could not understand the same and could not communicate the same to the applicant in time. Hence, delay caused in filing the OA is bonafide and deserves to be condoned in the interest of justice.

5. Though I am not impressed with the reason put forth by the applicant for condonation of delay, however, since matter pertains to the compassionate appointment and it is always desirable to decide the matter on merits, as far as possible, rather than on technicalities, the delay is accordingly condoned. MA thus stands allowed.

6. Mr Om Rajpurohit, learned counsel for the applicant submitted that vide proceedings recorded on 07.02.2019 in the present OA, respondents were directed to produce the list of

selected candidates for appointment on compassionate grounds out of recommendations made.

7. Mr Kamal Dave, learned counsel for the respondents today produced letter dated 17.06.2019 issued by Assistant General Manager (Recruitment & Establishment), Circle Office, Jaipur containing the names of candidates who have been recommended for issuance of appointment letters on compassionate grounds, which is taken on record.

8. At the specific query raised by this Tribunal to learned counsel for the applicant as to whether applicant is dissatisfied with the marks allotted to him or in his opinion or there is any discrimination being met out to him while considering his case, learned counsel for the applicant submitted that vide Annex. R/1 list dated 28.09.2010, cases of 20 persons have been recommended by the Circle High Power Committee in its meeting held on 20.09.2010 out of 33 candidates and applicant having scored 64 weightage points/marks, has not been given appointment on compassionate grounds.

9. Learned counsel for the respondents submitted that minimum eligibility criteria required for consideration of appointment on compassionate grounds in the respondent-BSNL is that the candidate should have scored minimum aggregating 55 weightage points/marks under various attributes as per Scheme and then only such cases are recommended for consideration of

High Power Committee of Corporate Office of BSNL Headquarter. The High Power Committee of Corporate office, keeping in view the number of vacancies available for compassionate appointment, recommends the name of candidates for appointment on compassionate grounds in the order of merit of their weightage points/marks scored by each candidate. As such, High Power Committee recommended the appointment of two candidates having weightage points/marks 90 and 81 respectively from the list referred to by learned counsel for the applicant in view of available vacancies and applicant having only 64 weightage points/marks being low in merits, his case could not be recommended by the Committee for appointment on compassionate grounds.

10. We have considered the arguments advanced by both sides. The list at Annex. R/1 dated 28.09.2010 is of the candidates who are eligible to be considered for appointment on compassionate grounds prepared at the Regional Level. Since applicant has got 64 weightage points, his name was forwarded as recommended case for consideration by High Power Committee of Corporate Office of the BSNL Headquarter. The respondents have produced the letter dated 17.09.2019 wherein it has been stated that only two candidates namely Smt. Kamala Devi who scored 90 weightage points and Smt Manju Verma who scored 81 weightage points/marks, have been recommended for appointment on

compassionate grounds against two vacancies. Thus it is clear that the applicant having got only 64 weightage points/marks, his case has not been recommended for appointment on compassionate grounds as compared to the points/marks secured by the other candidates who have got compassionate appointment.

11. Thus, applicant has neither established a case that he has been discriminated nor that he has been allowed lesser weightage points/marks. Also he has not been able to challenge the legality of impugned order dated 25.09.2014 (Annex. A/1) on any valid legal grounds, which is a reasoned and speaking order.

12 In view of observations made above, OA is devoid of merits and the same is accordingly dismissed with no order as to costs.

**[Hina P. Shah]
Judicial Member**

Ss/-