

(2023) 06 CAT CK 0006
In the Central Administrative Tribunal
Case No : Original Application No. 908 Of 2019

Jitendra Kumar

APPELLANT

Vs

Chief General Manager, BSNL, Uttarakhand Telecom Circle,
Dehradun, Uttarakhand & Ors

RESPONDENT

Date of Decision : 23-06-2023

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19

Citation : (2023) 06 CAT CK 0006

Hon'ble Judges : Om Prakash VII, Member (J)

Bench : Single Bench

Advocate : N.K. Papnoi, D.S. Shukla

Final Decision : Disposed Of

Judgement

Om Prakash VII, Member (J)

1. The applicant has filed this O.A. u/s 19 of the Administrative Tribunals Act, 1985 with the following prayers:-

- a) Quash the impugned dated 15.2.2019 (Annexure A-1 of this O.A.)
- b) Issue the directions commanding the respondents to forthwith provide compassionate appointment to the applicant on being dependent of deceased employee.
- c) Issue any order which this Hon'ble Tribunal may deem fit and proper in the light of facts and circumstances of the present case.

2. The brief facts of the case are that the father of the applicant was died on 16.9.2016 while in service leaving behind his widow, applicant and one unmarried daughter. After the death of his father, applicant applied for compassionate appointment in the year 2016. Vide letter dated 23.12.2016, Assistant General Manager, BSNL, Srinagar, Gadhwal asked the applicant to supply certain documents. Applicant supplied the required documents. Case of

the applicant was considered for compassionate appointment and vide order dated 15.2.2019, department rejected the claim of the applicant for compassionate appointment on the ground that applicant had secured only 20 points with respect to DOP&T guidelines and weightage point system.

3. Per contra, learned counsel for the respondents filed short counter reply, stating therein that case of the applicant for compassionate appointment was placed before the Circle High Power Committee and committee after assessment on the basis of guidelines found that the applicant had secured only 20 points and his case was not recommended for appointment vide order dated 15.2.2019. It is further stated that BSNL Board in its 188th meeting has decided to keep compassionate ground appointment in abeyance for three years for the vacancies arising after 1.4.2018 due to stressed financial condition of the company and it will be reviewed after 3 years. BSNL Corporate office, New Delhi issued an order dated 9.4.2019, whereby communicated that the compassionate appointment kept in abeyance for 3 years and due to this letter, respondents are unable to make appointment on compassionate ground in the department. Vide letter dated 7.3.2022, the ban of considering the cases of compassionate appointment has been extended till further orders.

4. Heard the learned counsel for the parties.

5. Submission of the learned counsel for the applicant is that O.A. may be disposed in the light of the policy decision dated 9.4.2019 and 7.3.2022 issued by the BSNL and a direction may be given to the respondents to reconsider the case of the applicant as and when ban is lifted.

6. Learned counsel for respondents agrees with the submissions raised by the learned counsel for the applicant..

7. I have considered the rival submissions of the parties and have gone through the entire record.

8. After considering the facts and circumstances of the case and as per the admission of respondents that due to letter dated 9.4.2019 and 7.3.2022 regarding keeping the cases of compassionate appointment in abeyance till further orders, case of applicant could not be considered and as and when ban will be lifted, the case of applicant will be reconsidered, order dated 15.2.2019 is liable to be set aside.

9. Accordingly, the O.A. is allowed and the order dated 15.2.2019 is quashed and respondents are directed to reconsider the case of the applicant for appointment on compassionate ground on merit along with other candidates as and when ban is lifted and when next Circle High Power Committee is constituted for the purpose of compassionate appointment. It is also observed that the order must contain the details such as number of vacancies in the year/years in which applicant's case was considered, names of the candidates who were considered and their relative merit in the selection process.

10. There shall be no order as to costs.

11. All pending MAs in the O.A. stands also disposed off.