

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (S) NO. 38 OF 2016

Manohar Singh Uraon, S/o Late Santuram Uraon, aged about 34 years,
R/o Village Patratoli, Transport Nagar, Jindal, Post Patratoli, P.S.
Kotraroad, Raigarh, District Raigarh (C.G.)

... Petitioner

Versus

1. The Chief Managing Director, Bharat Sanchar Nigam Limited, New Delhi.
2. Chief General Manager, Chhattisgarh Division, Bharat Sanchar Nigam Limited, Vidhan Sabha Road, Raipur (C.G.)
3. Assistant Chief General Manager, Chhattisgarh Division, Bharat Sanchar Nigam Limited, Vidhan Sabha Road, Raipur (C.G.)
4. Chief Vigilance Officer, Chief General Manager, Chhattisgarh Division, Bharat Sanchar Nigam Limited, Raipur (C.G.)
5. Telecom District Manager, BSNL, Bailadula Road, Raigarh, District Raigarh (C.G.)

... Respondents

For Petitioner : Mr. K.N. Nande, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board

Per NAVIN SINHA, C.J.

18/01/2016

1. Learned Counsel for the Petitioner submits that without prejudice to all other rights and contentions, the calculation of points at Annexure P-4 to determine eligibility for compassionate appointment suffers from numerical fault of calculation. The marks of the Petitioner add up to 50 and not 40. The next submission is that the recommendation of the Selection Committee was required to be signed by three persons under Clause 4 of the Circular dated 27.6.2007 governing compassionate appointments. It is signed only by two persons and is therefore not in accordance with law requiring reconsideration on both grounds.

2. We have considered the submissions and do not find any error in the total marks 40 awarded to the Petitioner. The Petitioner was not entitled to five additional marks for a minor dependent and unmarried daughter in 1(c) & (d), after it had already been granted in 1 (5) & (6).

3. Clause 4 of the Circular dated 27.6.2007 states that the Circle High Power Committee for compassionate appointment shall consist of Circle Head and two other officers of SAG/JAG level nominated by the Circle Head. The recommendation is signed by the Circle Head along with the General Manager, Telecom Division, Raipur. The administrative department of Human Relations member has not signed it only. Clause 4 does not provide for any minimum quorum for signatures. If two senior officers have already signed and no malafide has been alleged and even otherwise we have found no reason to interfere with what was otherwise a purely subjective assessment by the authorities, and there is no challenge to the policy guidelines, we find no merit in the writ petition.

4. The writ petition is dismissed.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge