

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4350/2015

Abdul Jamil s/o Abdul Jalil

...Versus...

The Chief General Manager, Telecommunication, Bharat Sanchar Nigam Ltd.,
Mumbai and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri K.S. Narwade, Advocate for petitioner
Shri Jahid Shekhani, Adv. h/f Shri R.G. Agrawal, Adv. for respondents

CORAM : SMT. VASANTI A. NAIK AND
A. S. CHANDURKAR, JJ.

DATE : 01.03.2016

1. Heard.
2. The petitioner is aggrieved by the judgment dated 11.3.2015 passed by the Central Administrative Tribunal, Nagpur thereby dismissing the Original Application filed by the petitioner in which the relief of appointment on compassionate ground was sought.
3. According to the petitioner, his father – Abdul Jalil was working as a Telephone Operator with the respondent no.1. The petitioner was born on 10.2.1982 and within a period of 15 days thereafter, unfortunately he lost his father. The petitioner after completing his education and attaining the age of majority moved an application on 17.5.2003 seeking appointment on compassionate basis. His application came to be rejected on the ground that the same had been made belatedly. The petitioner

had filed Writ Petition No.92/2004 challenging the aforesaid rejection but the writ petition was permitted to be withdrawn with a direction to the respondents to consider the petitioner's representation that was permitted to be made. The said representation made by the petitioner was again rejected on 7.7.2008. Ultimately, the petitioner filed Original Application No.2230/2009 seeking the relief of compassionate appointment. By the impugned order, the said application has been rejected.

4. Shri K.S. Narwade, learned Counsel for the petitioner submitted that the representation made by the petitioner was immediately after attaining the age of majority. He submitted that the application moved by the petitioner was required to be considered on the basis of the fact that the claim had been made much prior to the Scheme of 2007 coming into force. However, the representation was considered as per the Scheme of 2007 and rejected. According to him, the mother of the petitioner could not have applied for compassionate appointment on the ground that she was rendered mentally ill. He, therefore, submitted that the Central Administrative Tribunal ought to have considered these aspects and ought to have directed the appointment of the petitioner on compassionate basis.

5. Shri Jahid Shekhani, learned Counsel holding for Shri R.G. Agrawal, learned Counsel for the respondents supported the impugned order and submitted that after considering the Scheme dated 27.6.2007 framed by the respondents, the claim of the petitioner had been examined and as it was found that the petitioner had received only 33 points and as the same were less than the minimum prescribed, his request had been rejected. It

was therefore submitted that there was no case made out to interfere in writ jurisdiction.

6. Having heard the respective Counsel and having perused the impugned order, we find that no error was committed by the Central Administrative Tribunal when it dismissed the Original Application preferred by the petitioner. It is not in dispute that the petitioner's father expired in the year 1982 shortly after the birth of the petitioner. The application moved by the petitioner seeking compassionate appointment is dated 17.5.2003 which is about three years after attaining the age of majority. By the time the application of the petitioner came to be considered, the Scheme that was introduced by the respondents on 27.6.2007 came into force. The petitioner in support of the Original Application raised a challenge before the Central Administrative that the weightage points that were allotted while considering the case of the petitioner as per the Scheme of 2007 had not been properly calculated. It was urged before the Tribunal that the weightage points had been awarded arbitrarily. This challenge was considered by the Tribunal and it noted that as per the policy dated 27.6.2007, in case of delay in making the application 35 points were liable to be deducted. It further found that only if the applicant secured 55 points or more that the case was stated to be eligible for consideration. After noting that the petitioner had secured only 33 points which were below the prescribed limit, the application moved by the petitioner came to be rejected. It has not been demonstrated that the marks have been awarded arbitrarily to the petitioner.

7. Even otherwise it can be seen that the father of the petitioner expired in the year 1982 and the petitioner attained the age of majority in the year 2000. Considering the purpose behind grant of compassionate appointment, it cannot be said that the petitioner had applied expeditiously for being considered for such appointment. The reasons assigned by the Tribunal while refusing the relief to the petitioner appear to be just and proper and in accordance with law. Said view is also in accordance with the object behind providing compassionate appointment.

8. Hence, there is no case made out to interfere in writ jurisdiction. The writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

Wadkar