

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2930 of 2016**

1. Bharat Sanchar Nigam Limited Through Chairman & Managing Director, Corporate Office, Bharat Sanchar Bhawan, Janpath, New Delhi 110001
2. Chairman-Cum- Managing Director, Bharat Sanchar Nigam Limited, Corporate Office, Bharat Sanchar Bhawan, Janpath, New Delhi 110001
3. Chief General Manager, Telecom Chhattisgarh Sub Division, Vidhan Sabha Road, Khamardihi, Raipur (Chhattisgarh) 492007
4. District Manager, Telecom Sub Division, Bharat Sanchar Nigam Limited, Ambikapur, Dist Sarguja (Chhattisgarh) 497229

---- Petitioners

Versus

- Smt. Archana Bramhe W/o Late Shri Rajesh Kumar Bramhe, Aged About 44 Years R/o C/o Shri Prashant Kamar Khare, Narsingh Tola, Baihar, Ward No. 4, Tehsil & Post Baihar, District Balaghat (Madhya Pradesh)

---- Respondent

For Petitioners	:	Ms. Sharmila Singhai, Advocate.
For Respondent	:	None present.

Hon'ble Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice Sharad Kumar Gupta

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****26.07.2017**

1. We have heard the learned counsel for the Petitioners - BSNL, which has filed the writ petition under Article 227 of the Constitution of India challenging the decision of the Central Administrative Tribunal directing the Petitioners to provide compassionate appointment to the Respondent, who duly applied for compassionate appointment on 21.05.2011, following the demise of her husband on 26.11.2009.
2. Learned counsel for the Petitioners has taken us through the entire materials on record and has argued that in terms of the guidelines which is produced as Annexure – P/6, a new procedure has been prescribed regarding the Weightage Point System.

3. At the outset, we may say that the Learned Tribunal had adverted to all relevant facts and material particulars. That led to the impugned decision, which is sought to be impeached before us under Article 227 of the Constitution of India.
4. The Learned Tribunal noticed that the applicant before it had 61 merit points, which is more than the benchmark of 55 fixed by the Establishment. Her case was sent for consideration by the High Power Committee to the Corporate Office. It is a matter of record that no person was appointed as against any of the five vacancies for the year 2011-2012. Circular dated 27.06.2007 is the crucial document which contained the policy guidelines for the Weightage Point System, which prevailed while the respondent's husband Rajesh Kumar Bramhe, died on 26.11.2009. It was that Circular that governed the field also when the respondent made her application on 21.05.2011. The Learned Tribunal adjudicated the issues on the basis of that Circular and relied on Para 2 (ii) of that Circular which is to the following effect :

*“The assessment criteria for recommendation of the indigent condition of the family by the Circle High Power Committee shall be – (a) **Cases with 55 or more NET POINTS shall be prima facie treated as eligible for consideration by Corporate Office High Power Committee for compassionate ground appointment** and (b) Cases with NET POINTS below 55 (i.e. 54 or less) shall be treated as non-indigent and rejected”.*

5. Applying the aforesaid Circular to the facts of the case, the Learned Tribunal held as follows :

“5. The applicant obtained 61 merit points in this assessment and her position was third in merit in the list of candidates given at para 4 of MA No.200/01082/2015. Thus, there is apparently no jurisdiction for rejecting the applicant's case on the ground of insufficient indigency, as there was no other criteria on which indigency was to be further assessed by HPC.”

6. In the light of the aforesaid findings of the Learned Tribunal, we do not see any illegality, infirmity or jurisdictional error having been committed by the Learned

Tribunal in exercise of authority in terms of the provision of the Administrative Tribunals Act.

7. Annexure - P/6 relied on by the BSNL in this writ petition is one issued on 01.10.2014, long after the demise of respondent's husband as well as her application and consideration of her request for compassionate appointment in terms of the Circular dated 27.06.2007 which governed the field. There is also nothing in terms of Annexure - P/6 which could deprive the accrued eligibility of the respondent for consideration in accordance with the Circular dated 27.06.2007, which governed the matter at the relevant time.
8. For the aforesaid reasons, we do not find any ground to interfere with the decision of the Learned Tribunal.
9. In the result this writ petition is dismissed.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge