

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22898 of 2018

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Rajan Kumar Alias Rajan Kumar Das s/o Late Ram Briksh Das, r/o Village Chajan Harirai Tola, Post Chajan Hari Shankar, Police Station Kudhni, District Muzaffarpur.

... .. Petitioner/s

Versus

1.Bharat Sanchar Nigam Limited Through The Chief Managing Director, corporate Office, 102-B, Statesman House, New Delhi.
2.The Chief General Manager, Telecom, Bihar Circle, Bharat Sanchar Nigam Limited, Patna.
3.The Deputy General Manager, Administration, Bihar Circle, Telecom,Bharat Sanchar Nigam Limited, Patna.
4.The Assistant General Manager, Establishment, Bihar Circle, Telecom, Bharat Sanchar Nigam Limited, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Adv
For the Respondent/s : Ms.Renuka Sharma, Adv, Mr. Rakesh Kumar, Adv
and Mr. Anwar Karim, Adv

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 04-09-2020

Heard learned counsel for the parties.

Prayer of the petitioner in this writ application reads as follows:-

(i)For quashing order dated 28.08.2018 passed by Central Administrative Tribunal, Patna, in O.A. No. 050/00801/2017, whereby and whereunder the application for setting aside order dated 10.10.2017, rejecting the claim of the petitioner for appointment on compassionate ground, has been dismissed without on non-est grounds.



(ii) For further quashing of the order bearing letter no. Rectt./Relax-CHPC/2016/11 dated 10.10.2017 issued by Deputy General Manager, Administration, Telecom, Bihar Circle, BSNL, Patna, whereby the claim of the petitioner for appointment on compassionate ground has been rejected on non-est ground.

(iii) In consequent thereof, for further direction commanding the respondent authorities to consider the case of the petitioner afresh for appointment on compassionate ground.

Briefly stated, the facts of the case is that father of petitioner Ram Briksh Das was an employee in Bharat Sanchar Nigam Limited and was appointed as Jamadar on 17.07.1973 at Patna office, who died in harness on 30.10.2008 while posted at Central Telegraph Office, BSNL, Patna.

Applicant submitted application for compassionate appointment in the year 2010 alongwith required documents and after verification of the documents his application was recommended by the Central Telegraph Office, Patna on 05.02.2011. Case of applicant for compassionate appointment was considered by the competent authority i.e. Circle High Power Committee on 24.02.2017 and the applicant could earn only 27 points which is less than the cut off of 55 points, as such the Circle High Powered Committee rejected his case by order dated 10.10.2017.



It was contended on behalf of petitioner before the Tribunal that the respondents have not given weightage points in accordance with the entitlement of the applicant. Respondents have not given any points under the head “left out service” and also under the head “applicant weightage”. He is further entitled for 6 more points as applicant has received less than rupees 5 Lacs towards DCRG. He was also entitled for 10 points under the head “accommodation”, as he has no movable or immovable assets. Applicant is a BPL cardholder. He is entitled for 57 points for which a comparative chart was placed by the applicant before the Tribunal.

Respondents filed their written statement before the Tribunal in which they have denied the claim of petitioner. As per the report of welfare officer an amount of Rs. 6,058,14.00/- for DCRG and Rs. 4,821/- for GPF and Rs. 1,03,094/- for LIC were paid to the legal heirs of late employee under terminal benefits. Family has its own parental house. Dependants are the widow and her two sons, total 3 in number and based upon these inputs the case of applicant was considered and applicant could score only 27 points which does not meet the minimum cut off point of 55. The case of the applicant for compassionate appointment was considered in the light of guideline dated 27.06.2007 issued



for assessment of indigent condition of the family for consideration of appointment on compassionate ground.

The learned Tribunal rejected the plea of the applicant that he is entitled to receive more weightage points under the heads of dependants, pension, terminal benefits and accommodation and upheld weightage points as determined by the respondent-department to be in tune with the guidelines issued on the subject matter for assessing the indigent condition of the family of the deceased employee.

This Court in the case of **Jagdeo Turi vs. State of Bihar and Ors** since reported in 2000(1) PLJR 567 has held as follows:-

“5. It is well settled that mere death of an employee does not entitle his family to compassionate appointment and it is for the authorities to consider whether the family of the deceased is unable to meet the financial crisis. It is equally well settled that the right to get appointment on compassionate ground lapses after expiry of the reasonable period. As noticed above more than 8 years have passed and the claim of the petitioner has been rejected by the Compassionate Committee after making necessary enquiry and after considering the financial condition of the members of the deceased family. Having regard to all these facts and circumstances, I am of the opinion that this Court in exercise of writ jurisdiction is not supposed to interfere with the decision of the Compassionate



Committee after expiry of such period. In the result, I do not find any merit in this writ application, which is accordingly dismissed.”

After hearing learned counsel for the parties and considering the materials available on record and perusing the order passed by the Tribunal, this Court does not find any error or infirmity in the order passed by the Tribunal requiring any interference in its writ jurisdiction, accordingly, writ petition is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.11.2020
Transmission Date	NA

