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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1972/2020

RAKESH

..... Petitioner

Through Mr. Ajay Kumar and Mr. Naresh Kumar,
Advocates

versus

UNION OF INDIA AND ANR.

..... Respondents

Through Mr. Gigi C. George, Advocate for
UOI/respondent no.1.
Mr. Jasbir Bidhuri and Mr. Arun Sanwal,
Advocates for MTNL.

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **24.02.2020**

CM.APPL 6913/2020 (Exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

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Notice. Counsel for the respondents accept notice.

The present petition has been preferred against order dated 05.02.2019 passed by the Central Administrative Tribunal (the 'Tribunal'), by which an application filed by the petitioner seeking compassionate appointment was rejected.

The reasons for rejection in the order are based on a policy of MTNL dated 18.03.2004, as per which compassionate appointments have been banned. A translated version of communication dated 19.06.2017 is reproduced below:

***"MAHANAGAR TELEPHONE NIGAM LIMITED
Office Executive Director, Khurshid Bhawan,
Janpath, New Delhi-110001***

To, 19.6.17
*SH. Rakesh S/O Late SH. Bhai lal
O-38, T-Camp Khichripur,
New Delhi-110091,*

Letter No.:- STR/CGA Cases/GEN. Corres/2017/23/02 Date- 19/06/2017

SUBJECT:- Appointment on Compassionate Ground Matter Sh. Rakesh S/o Late Sh. Bhai lal, MZ-25245.

Your letter date on the above mentioned Subject central mail receipt section letter no:- 003113 dated 06.06.2017 on received and your application has been registered on serial no:-23/2017.

It is informed that MTNL office has banned appointment through its letter MTNL/Co/Pers/1(6)/100/2001/913. Dated 18.03.2004 (copy enclosed). Therefore, your request cannot consider at this time.

Attached:- Suitable

(Signature)

*Sub:- Division Engineers
(appointment and examination)”*

Counsel for the petitioner has handed over a copy of order dated 07.03.2019 passed by the Tribunal in the case of **Mukesh Kumar Gupta v. Union of India & Ors.**, O.A. No.1551/2017, whereby while dismissing the OA, the Tribunal has directed MTNL to consider the name of the applicant in that case as and when a fresh case of compassionate appointment is considered. Counsel for the petitioner prays for the same relief.

Counsel for the respondents submit that although as of today there is no policy for making appointments on compassionate grounds, if there is a change of policy, the case of the petitioner herein would be considered in accordance with law.

The writ petition is disposed of in the above terms.

G.S.SISTANI, J

ANUP JAIRAM BHAMBHANI, J

**FEBRUARY 24, 2020/pst/
W.P.(C) 1972/2020**