



WEB COPY



W.P.No.14019 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:08.08.2023

Delivered on: 22.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.14019 of 2019

J.P.Jayashree

...Petitioner

Vs.

1.Union of India rep. by
The Chief General Manager
Bharat Sanchar Nigam Limited
78, Purasaiwalkam High Road
Chennai-600 010

2.The General Manager
Bharat Sanchar Nigam Limited
89, Millers Road,
Chennai-600 010

3.The Registrar
The Central Administrative Tribunal
Madras Bench, Chennai

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India,



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praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of the 3rd respondent made in O.A.No.310/01003/2016 date 22.03.2018 to quash the same and to consequently direct the respondents 1 and 2 to appoint the petitioner on compassionate grounds with reference to the scheme prevailing at the time of death in harness of the employee on 10.05.2007.

For Petitioner : Mrs.N.R.Jasmine Padma

For Respondents : Mr.S.Gopinathan, for R1 and 2

ORDER

(Order of the Court was made by P.B.BALAJI,J.)

The petitioner, aggrieved by the order of the Central Administrative Tribunal, Madras Bench in O.A.No.1003 of 2016 dated 22.03.2018 has preferred the present Writ Petition.

2. The petitioner's case is one for compassionate appointment. The petitioner's mother died on 01.05.2007 at the age of 46 years. The petitioner's mother according to the petitioner left the family in an indigent condition and her father is also a poor advocate, earning only Rs.2,000/-



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per month. The respondents had rejected the request of the petitioner on the grounds that her father was receiving family pension every month and that apart, he had received terminal benefits to the tune of Rs.3,87,033/-. According to the petitioner, she is holding a Masters degree in Literature but however, without any employment.

3. The Tribunal confirmed the order of rejection of the request for compassionate appointment finding that the petitioner had secured only a Relative Merit Point of 52 which was below the minimum requirement of 55 points and also lower than the relative merit point of last selected candidate in the relevant year. The Tribunal also took note of the fact the application for compassionate appointment was made only after 2 ½ years after the death of the applicant's mother and dismissed the Original Application.

4. Aggrieved by the said dismissal of the O.A, the petitioner has challenged the order of the Tribunal on the grounds that the Tribunal ought not to have taken into account that the father was receiving family pension and even the merit points awarded was an unlawful exercise, contrary and



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irrational and opposed to Article 21 of the Constitution of India.

5. We have heard learned counsel Mrs.N.R.Jasmine Padma for the petitioner and Mr.S.Gopinathan, learned counsel for the respondents 1 and 2 and we have also perused the order of the Tribunal.

6. In matters of compassionate appointment, discretion is vested with the employer concerned and unless it is shown that such discretion has been exercised erroneously or there has been a failure to exercise discretion in the matter, no interference can be made by exercising Writ jurisdiction. In the present case on hand, the employer has found that the petitioner does not meet even the minimum required criteria, which was 55 Relative Merits Point by scoring only 52 Relative Merit Points. Further, the Tribunal has also taken note of the fact that the petitioner's father is a practicing advocate and the family cannot be said to be in an indigent position. The petitioner is also unable to show as to how the evaluation carried out by the employer is erroneous or improper. Moreover, the petitioner's mother died way back in the year 2000 and this was also taken note of by the Tribunal while dismissing the O.A in 2018 stating that grant of compassionate



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appointment, after several years after the death of the employee would amount to gross misuse of scheme, besides also resulting in a detriment to deserving and needy families.

We do not find any reasons warranting interference of the said recent order of the Tribunal. In fine, Writ Petition is dismissed.

(D.K.K.J) & (P.B.B.J)
22.08.2023

Internet : Yes
Index:Yes/No
Neutral Citation:Yes/No



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D.KRISHNAKUMAR, J.,
and
P.B.BALAJI, J

(kpr)

Pre-delivery judgment in
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22.08.2023