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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1814/1999
MA 1343/2000

New Delhi this the 13th day of July, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)

Hori Lal,
S/O Late Sh. Shayam Bihari,
239-C, Pocket J. & K,
Dilshad Garden, Delhi

..Applicant

(By Advocate Shri S.P. Mehta)

VERSUS

1. Union of India through
General Manager,
Northern Railway, Baroda House,
New Delhi.

2. Divisional Railway Manager,
Northern Railway, Ambala.

3. Divisional Railway Manager,
Northern Railway, New Delhi.

..Respondents

(By Advocate Shri B.S. Jain)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J))

This application has been filed by the applicant seeking a direction to the respondents to consider his several representations for appointment with them on compassionate grounds without loss of time.

2. Learned counsel for the applicant has submitted that the applicant belongs to ^apoor family and his father had died on 12.8.1975 while working as Pointsman at Drajpur Railway Station. At that time he had left three minor sons of the age 8 years, 4 years and 2 years, respectively. The eldest son on reaching majority had applied to the

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respondents for appointment on compassionate grounds in September, 1988 but that was not given. Later, the eldest brother of the applicant, Mohan Lal, also died. The applicant is the second son of the deceased Railway employee whose date of birth is 10.3.1971. In the OA, the applicant has stated that he had made several representations from 6.4.1992 onwards but had not received any reply. Hence this OA has been filed on 27.7.1999. Shri S.P.Mehta, learned counsel, has very vehemently submitted that this is a case where no sympathy was shown to the applicant as he belongs to a poor family and direction should, therefore, be given to the respondents to consider the later representation submitted by the applicant in 1999, prior to the OA being filed for consideration for appointment on compassionate grounds.

3. The respondents have taken a preliminary objection that the OA is barred by limitation which plea has also been taken by Shri B.S. Jain, learned counsel. He has submitted that apart from the fact that the OA is highly belated as per the official records no such representation, as alleged by the applicant, has been received in respondents' office. Shri S.P.Mehta, learned counsel, however, refers to Annexure A-8 of the paper book which is representation dated 12.3.1999 which he states has been received by the respondents on the same date as seen from the rubber stamp of Northern Railway, New Delhi. The applicant has not cared to mention this specific annexure i.e. Annexure A-8 in Para 4.3 of the OA. It is seen from the rubber stamp that the same has been received by the office of Northern Railway of New Delhi on 12.3.1999.

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Within six months of the receipt of the aforesaid representation dated 12.3.1999, the applicant has filed the present OA 27.7.1999.

4. In the above facts and circumstances of the case, the OA is disposed of with a direction to the respondents to consider the applicant's representation dated 12.3.1999 and dispose of the same by a reasoned and speaking order in accordance with the relevant rules and instructions within four months from the date of receipt of a copy of this order with intimation to the applicant. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

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