

Central Administrative Tribunal
Principal Bench

...

O.A.NO.1918/95

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New Delhi, this the *8th* day of December, 1995

Hon'ble Shri B.K.Singh, Member (A)

Kamlesh son of Shri Late Kalyan
r/o 6/8, Khichripur,
Delhi-63.

...Applicant

(By Shri A.K.Bhardwaj, Advocate)

Versus

Union of India through

1. The General Manager,
Western Railway,
Church Gate,
Bombay.
2. The Divisional Railway Manager,
Jaipur Division,
Western Railway,
DRM Office, Jaipur.
3. The Divisional Personnel Officer,
Western Railway,
Jaipur Division,
DRM Office,
Jaipur.

..Respondents

(By none)

ORDER

delivered by Hon'ble Shri B.K.SINGH, Member (A)


No order has been impugned by the applicant in this O.A. Shri Kalyan who was working as Gateman under Western Railway, died in harness in the year 1973 when the present applicant .. was only five years of age. The applicant's mother also died on 3.3.1974. The Railway rules clearly provide that an applicant can be considered for compassionate appointment only within five years if he has not attained majority when the near relation died in harness.

...2p/-



(A)

In the instant case, the cause of action arose in 1973 and this Tribunal is not competent to take cognizance of any grievance arising prior to 1.11.1982. Admittedly, the applicant who was only 5 years of age at the time of death of his father attained majority in 1995 and has come up for compassionate appointment now. The compassionate appointment is not a vested right to be claimed at any time as has been held in case of Umesh Kumar Nagpal Vs. State of Haryana (JT 1994(3) SC 525). Hon'ble Supreme Court in that judgement have categorically laid down the law that compassionate appointment is a deviation from the general rule that all appointments should be through open advertisement and on merits and this has to be claimed within a specific period and Railways have prescribed that period as five years for those who are minor in order to be eligible to claim it. Admittedly, this application has been filed after more than 22 years and the Central Administrative Tribunal is not competent to take any cognizance of this grievance. The application is a highly belated one and is beyond the jurisdiction of this Tribunal. The application is dismissed in limine at the notice stage itself as non-maintainable.


(B.K. SINGH)
Member (A)

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