

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
New Delhi

O.A. No.2455/2000

New Delhi, this 24th day of the November, 2000

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Hon'ble Mr. Justice Rajagopala Reddy, Vice-Chairman (J)

1. Smt. Kunti Devi widow of late Shyam Lal,
R/o H.N.2/322, Gali No.3, Begam Bagh,
Aligarh(U.P.)
2. Shri Kaushal Kishor S/o late Shyam Lal
R/o H.N.2/322, Gali No.3, Begam Bagh,
Aligarh(U.P.)

...Applicants

(By Advocate: Shri D.N. Sharma)

Versus

1. Union of India through
Through Secretary to the Government of India,
Ministry of Urban Development,
New Delhi.
2. The Director of Printing,
Government of India, Nirman Bhawan,
New Delhi.
3. The Manager,
Government of India Press,
Aligarh(U.P.).

... Respondents

ORDER (ORAL)

Learned counsel for the applicants seeks to challenge the impugned order dated 9.9.93, rejecting his application for compassionate appointment. The applicants are the widow and son of late Shri Shyam Lal, who died in harness in 1974. The widow, the first applicant filed an application in 1974 for compassionate appointment, which was not considered favourably. At that time the second applicant, the son was minor and has now become eligible for appointment having attained majority. The application was filed on behalf of the son, on 29.4.91 for providing the compassionate appointment but it has been rejected vide impugned order dated 9.9.93.

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2. This application is liable to be dismissed on two grounds. Limitation as the impugned order was passed on 9.9.93. The applicant filed MA 2904/00 for condonation of delay. The only ground taken in the MA is that after the death of the employee, there was no other income earning member and the family belongs to backward mali community, hence the applicant could not approach within the time provided. It is also stated that as laid down by the Supreme Court in the case of Collector, Land Acquisition, Anantnag and Anr. Vs. Ms. Kantiji and other (AIR 1987 SC 1353), made observations regarding liberal approach in deciding question of limitation and also that the Tribunal in the case of Puran Chanda Saboo Vs. U.O.I. and others (date of judgement 5.8.1993) (74, Swamy's CL Digest 1993) held that...


"Condonation of delay in filing application must be viewed in a rational, common sense and pragmatic manner."

3. Section 21 of the Administrative Tribunals Act provides a specific period of limitation and an OA is not liable to be admitted if it was barred by limitation. Hence strict consideration of limitation have to be applied. I am not satisfied with the grounds given, they are vague and do not explain the delay of seven years. MA is, therefore, dismissed and OA, consequently is dismissed on the ground of limitation.

4. Secondly, it is also well settled that the applicant seeking compassionate appointment should be eligible on the date of the death of the employee.

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If the applicant was a minor and was not eligible for employment, it is not open to him to make an application after he became eligible for appointment having attained majority. Admittedly, the applicant was a minor at the time of death of the employee. OA is accordingly dismissed on both the grounds at the time of admission. No costs.


(V. Rajagopala Reddy)
(Vice-Chairman(J))

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