

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1213 of 1996

Allahabad this the 15th day of January, 2001

Hon'ble Mr.S.K.I. Naqvi, Member 'J'

1. Smt.Kaushalya Devi, wife of Late Chandra Dhan Pandey.
2. Kumar Deep Malika, daughter of Late Chandra Dhan Pandey.

both resident of village Paina P.O. Paina District Deoria.

By Advocates Shri P.K. Kashyap
& Shri R.M. Pandey

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Allahabad.
3. Senior Divisional Personnel Officer, Northern Railway, Allahabad.

By Advocate Shri Avnish Tripathi.

O R D E R & Oral)

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

Smt.Kaushalya Devi-the widow and
Km.Deep Malika-the daughter of deceased Chandra
Dhan Pandey have come up through this O.A.seeking
direction to the respondents to give appointment
to Km.Deep Malika-petitioner no.2 on compassionate

ground. It has been mentioned that Late Chandra Dhan Pandey died on 14.3.1970 while on duty as Fireman, Tundla leaving the applicants as dependents to him. The applicants applied for appointment on compassionate ground on 01.9.1990 when the petitioner no.2 came to age of majority. When respondents did not respond till 1996, the applicants have preferred this O.A., seeking directions as above.

2. The respondents have contested the case, mainly hitting on the ground of limitation with the mention that the O.A. is grossly barred by period of limitation as provided under Section 21 of the Administrative Tribunals Act, 1985 and also on the ground that the applicants initially moved for compassionate appointment with much of delay and beyond the time prescribed for the purpose. It has also been brought in the counter-affidavit that the representations of the applicant sent directly ^{and} or through Member of Parliament, were decided and communicated well within time.

3. Heard learned counsel for the rival contesting parties and perused the record.

4. Before entering into the merit of the matter, the bar of limitation is to be decided. It is not in dispute that the deceased Shri Chandra Dhan Pandey died on 14.3.1970. It has been mentioned on behalf of the applicant that the date of birth of the applicant no.2 is 01.6.1970 and she attained

Seen

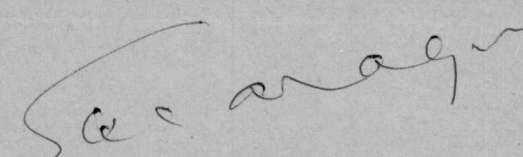
majority in the year 1988 and first move for compassionate appointment was on 01.9.1990 i.e. 20 $\frac{1}{2}$ years after death of ~~of~~ Shri Chandra Dhan Pandey and after about 2 years ^{after} ~~on~~ attaining the age of majority by the applicant no.2.

5. The respondents have a clear case that the move ought to have been made within six months from the date of attaining majority by the claimant for appointment whereas in the present case ~~this~~ consumed 2 years to make representation. In support of this contention, learned counsel for the respondents referred a case 'Sanjay Kumar Vs. State of Bihar cited in 2000 S.C.C.(L&S) 895' .

6. It has also been mentioned by the respondents that the O.A. is grossly barred by period of limitation on the ground that the applicant applied for appointment on compassionate ground on 01.9.1990 and the same was decided and rejected vide order dated 09.10.1990 and thereby the cause of action accrued ~~from~~ that date. In the alternative, there is submission that even if it is taken that the rejection order was not communicated to the applicant within time allowed, that can only extend the limitation by six months only and not by six years when the O.A. was preferred. Learned counsel for the applicants took me through affidavit filed on 11.3.1998 along with M.A.No.737/98 through which delay condonation has been prayed for in filing the O.A. Perusal

of this affidavit shows that no good ground has been mentioned to condone the delay. The only plea is taken that applicants ^{remained} kept in waiting the result of the representations, ^{for this plea can} ~~for~~ ^{not be accepted as} which there is specific provision under Section 21 of the Act that the limitation ~~can~~ be extended only for six months ^{for} waiting order on pending representation.

7. For the above, I find that not only the move for compassionate appointment was beyond the time prescribed for the purpose but, the OA . ^{also} is grossly barred by period of limitation and, therefore, it is dismissed. No order as to costs.


Member (J)

/M.M./