

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1270 of 1996

Allahabad this the 31st day of May, 2002

Hon'ble Mr.C.S. Chadha, Member 'A'

Smt. Jasraji Devi Alias Smt. Kangaria Devi, Widow
of Late Taulan, r/o Village : Naroiya, Post ,
Jigna, District, Mirzapur.

Applicant

By Advocates: Shri Anand Kumar
Shri C.P. Gupta.

Versus

1. Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern
Railway, Nawab Yusuf Road, ALLAHABAD.

Respondents

By Advocate Shri Avnish Tripathi

O R D E R (Oral)

By Hon'ble Mr.C.S. Chadha, Member (A)

The applicant has claimed the compassionate
appointment on the ground that her husband died in
harness on 26.05.78. The applicant claims benefit
of a circular of the Railway Board dated 14.03.1997
by which the compassionate appointment benefit was
extended to "to cases where death of the casual labour
with temporary status had occurred prior to 31.12.1986.

2.

The first counter argument of the respondents

is that the O.A. is highly time barred because the O.A. was filed in the year 1996. Normally I would overrule this objection if the O.A. had been filed after the knowledge of circular of the Railway Board dated 14.03.1997 (annexure A-6), according to which this benefit was extended to those cases where the death took place prior to 31.12.1986, however this O.A. was filed on 08.11.96 when this benefit had ^{yet to} ~~been~~ not been extended. Since the O.A. was filed on 08.11.96 when this benefit had ^{it is time barred for} not been extended. Whether the case was time barred or not has to be seen as on the date of filing of the O.A. Since the O.A. was filed before this benefit was extended to those cases where death took place before 31.12.86 obviously the O.A. was highly time barred.

3. Further the learned counsel for the respondents has averred in the para-4.1 of the counter-affidavit that the benefit even according to the said circular of the Railway Board can only be given to the casual labour with temporary status. It has been averred that the deceased had not received ~~any~~ temporary status. In ^{his} rejoinder, the applicant has merely repeated ^{claim for} his ~~without~~ making any specific claim as to when the deceased received the temporary status.

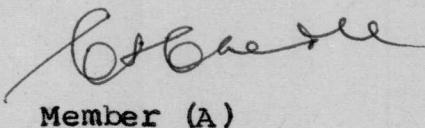
4. Even for the argument's sake if it is considered that the benefit of the said scheme

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could be extended to the applicant the question is whether the compassionate appointment can be made after nearly 24 years of the death. In the intervening 24 years, the family has been able to maintain itself and, therefore, it is not necessary to now consider the grant of compassionate appointment to the applicant.

5. The O.A. is accordingly dismissed as being highly time barred and also being without any merit. No order as to costs.



Member (A)

/M.M./