

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD

Allahabad this the 7th day of July 2000.

Original Application No. 1293 of 1996.

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

1. Smt. Umaraji Devi widow of Late Sri Shiv Raj Singh;
2. Mahendra Bahadur Singh s/o Late Sri Shiv Raj Singh; Both R/O Village Bhadaraon, P. O. Mailai, District Bhadohi.

.....Applicants

C/A Sri A.K. Upadhyay
versus

1. Union of India through the Secretary
Ministry of Rail Bhawan,
New Delhi.
2. The General Manager (P)
Northern Railway,
Baroda House,
New Delhi.
3. The Divisional Railway Manager,
Northern Railway,
Allahabad.
4. The Divisional Personnal Officer,
Northern Railway,
Allahabad.

.....Respondents

C/R Sri A.K. Pandey.

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ORDER

By Hon'ble Mr. S.K.I. Naqvi, JM

The learned counsel for the applicant has nothing to say on the point of admission. The learned counsel for the applicant mentions that he has nothing to submit at the stage of admission. The learned counsel for the respondents submits that it is an application which is not maintainable and deserves to be dismissed at admission stage. He took me through the pleadings according to which the applicant Late Sri Shiv Raj Singh died on 27.11.75 and the applicant moved for compassionate appointment in the year 1985 i.e. after ten years of the death of her husband, who is said to have died in harness, that application was not entertained by the department on the ground of having been filed after the time prescribed for the same, and thereafter another representation was moved in the year 1996 followed by reminder dated 3.8.96 for the appointment of her son, who is applicant no. 2 in the present O.A. This application was also rejected as per impugned order. Learned counsel for the respondents mentions that the claim of applicant no. 2 is not sustainable because the move for compassionate appointment was belated. As per rules he could apply within five years from the date of attaining majority but he remained silent even for more than decade, after he attained the majority. The learned counsel for the respondents also referred the Railway Board letter dated 30.4.79, according to which where the widow of

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the employee, who died in harness, cannot take up employment and the sons/daughters are minor, the case may be kept pending till the first son/daughter becomes a major i.e. attains the age of 18 years. Such case should be kept pending only for five years after which the claim will lapse. The learned counsel for the respondents has also cited the decision in (1997)8 Supreme Court Cases page 85 Haryana State Electricity Board and another versus Hakim Singh. The observations in this case also help the learned counsel for the respondents to place his contention.

2. The learned counsel for the applicant was again given opportunity to reply the submissions advanced on behalf of respondents, then he submitted that the applicant no. 2 actually moved for compassionate appointment in the year 1985 i.e. within five years from the year of attaining the majority but the respondents kept the matter pending without giving any reply. The learned counsel for the applicant could not refer these facts in the averments in the O.A.

3. For the above I find the move of the applicant is highly belated and beyond the period allowed, therefore, directions cannot be issued to the respondents as sought in the relief clause of the

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application, the O.A. is dismissed accordingly at admission stage.

4. There shall be no order as to costs.

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Member-J

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