

OPEN COURT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

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Allahabad : Dated this 26th day of August, 1998

Original Application No. 1303 of 1996

DISTRICT : AGRA

CORAM :-

Hon'ble Mr. S.K. Agrawal, J.M.

Hari Shanker S/o Shri Ram Prasad
R/o 34/124, Sainik Bihar,
Bundu Katra, Agra.

(By Sri RK Nigam, Advocate)

.....Applicant

Versus

1. Union of India through General Manager,
Central Railway, Mumbai CST.
2. Divisional Railway Manager, Central Railway,
Jhansi.

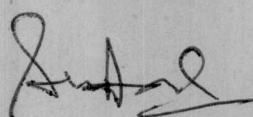
(By Respondents.

O R D E R (Oral)

By Hon'ble Mr. S.K. Agrawal, J.M.

Heard learned counsel for the applicant and perused the averments made in the OA. The prayer of the applicant is that a direction should be given to quash the impugned order dated 24-8-94 and the respondents be further directed to consider the case of the applicant's compassionate appointment.

2. In brief, the facts of the case as stated by the applicants are that the deceased Sri Ram Prasad died on 17-11-1984 before his retirement leaving behind two sons and two sisters. The mother died earlier to the father of the applicant. It is submitted that respondent no. 2 considered the claim of the petitioner's ~~elder~~ brother Sri Shiv Shanker for compassionate appointment but he was having no hearing capacity. Therefore, he was not appointed on account of his



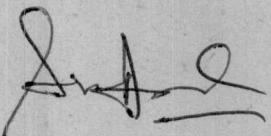
disability. It is submitted that after attaining the age of majority, the applicant made an application for appointment on compassionate ground but the same was rejected by the impugned order. Therefore, the applicant has submitted that his case should be considered for the compassionate appointment and the impugned order dated 24-8-1998 be quashed.

3. Learned counsel for the applicant has submitted that the case of the applicant is within limitation and in support of his contention he has filed a SCA alongwith certain circulars issued by the Railway Board.

4. On the basis of the pleadings of the applicant it appears that the deceased Sri Ram Prasad died on 17-4-1984 and the case of his second son Sheo Shanker was already considered by the Department for compassionate appointment but he could not be appointed because of his disability. Therefore, the applicant has filed this OA on 10-12-1996. The application appears to be belated one.

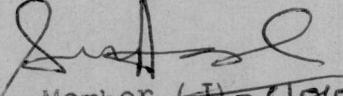
5. As per the judgement of the apex Court in the case of Union of India Vs. Bhagwan Singh, 1995 (31) ARC 736, it was held that the application filed by the last mentioned son beyond five years from the date of death of the deceased employee and beyond one year from the date of his attaining the majority, is patently barred by limitation.

6. In the instant case, Ram Prasad died on 17-11-1984. Therefore, the application for appointment on compassionate ground filed after five years from the death of the deceased employee is patently barred by limitation, particularly when the case of one of his



brothers has already been considered by the respondents.

7. Therefore, this application is dismissed as
barred by limitation.


Member (J) 26/8/98

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