

OPEN COURTCENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

DATED: THE 21st day of August 1997

CORAM : HON'BLE MR. S.DAYAL, A.M.

Original Application No. 843 of 1997

Jagdish Ram son of Late Sahodar Ram
Resident of Village Sakhini,
Post. Chapra District Mau.

C/A Shri D.D.Chauhan, Adv.

.... Applicant

Versus

1. The Union of India
through Chief of the Army Staff,
Army HQ HDQ PO, New Delhi.
2. Director General of Ordnance Services,
Master General of Ordnance Branch
DHQ PO New Delhi.
3. Major General of Army Ordnance Corps
Fort William - Calcutta.
4. Commandant 222, Advance Base Ordnance
Depot C/o 99 APO.

... Respondents

ORDERBY HON'BLE MR.S.DAYAL, A.M.-

Shri D.D.Chauhan, counsel for the Applicant. Learned
counsel for the a-pplicant has sought admission of the case

seeking setting aside of order dated 18.6.97. It appears that initially after the death of the employee in harness the widow had moved an application for her employment on compassionate ground on 8.11.1989. This application was rejected. The present applicant in the O.A. moved an application dated 23.4.90 for compassionate ground. This application was considered by the respondents and rejected on the ground that there were limited number of vacancies and more deserving candidates existed. Therefore, the request of the applicant could not be considered. It appears from the impugned order dated 18.6.97 that the applicant made another application in 1991 and thereafter in 1996.

2. There is no doubt that the cause of action arose on or after 4.10.1990 when the application for compassionate appointment of the applicant was rejected. The applicant chose to prefer repeated representations to the respondents who subsequently replied by the impugned letter that his case had initially been rejected on the ground of more deserving candidates existed and ~~had not~~^{could not} been considered now because it is very old case. The learned counsel for the applicant seeks limitation ^{from} ~~on~~ the date of this ^{second} letter to the applicant. This cannot be allowed because the cause of action had arisen earlier and the applicant should have filed his application against order dated 10.4.90 within the period prescribed for limitation which is of one year.

3. The objective of grant of compassionate appointment is to provide immediate relief for the family of the employee in Dying Harness who became indigent due to the death of the employee. A delay of 7 years in such a case clearly makes it a stale claim which cannot be allowed on the ground of limitation by the Tribunal. The application is, therefore, not admitted and rejected in limine.


MEMBER (A)