

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1353 of 1998

Allahabad this the 11th day of December, 2000

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

Narendra Kumar Son of Late Radhika, R/o 113-A,  
Old Munfordganj, Allahabad.

Applicant

By Advocate Shri A.K. Bajpai

Versus

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. The Commandant, Central Ordnance Depot, Chheoki, Allahabad.

Respondents

By Advocate Shri S.C. Tripathi

O R D E R ( Oral )

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

As per applicant's case, his father died in harness on 10.6.1982 when he was working as Painter in Central Ordnance Depot, Chheoki, leaving behind his dependants which includes his son Narendra Kumar-the applicant. It has been pleaded in the O.A. that inspite of several representations, the respondents have not provided him appointment on compassionate ground for which he is fully entitled.

2. The respondents have contested the case and filed the counter-reply.

3. Heard the learned counsel for <sup>respondent/</sup> the parties and perused the record.

*S.K.I.* ..... pg. 2/-

4. Learned counsel for the respondents has argued on maintainability of the O.A., attacking the same on two counts, first that it is barred by period of limitation and secondly on the ground that the request of the applicant has already been declined by the order dated 27.4.1983, copy of which has been annexed as annexure C.A.-2 and the same has been communicated to the applicant at his given address vide letter dated 10.5.1983, copy of which has been annexed as annexure C.A.-3 and the applicant has been apprised with the fact that after due consideration to his matter, the Board of Officers ~~have~~ <sup>has</sup> not found the case of the applicant worth to be recommended in the face of more deserving cases and limited number of vacancies available, ~~and~~ this communication has not been impugned by the applicant and so long this fact remains unchallenged, the applicant cannot be granted with <sup>the</sup> relief as sought for.

5. After considering the facts and circumstances of the matter, it is found that the applicant moved for compassionate appointment after the death of his father on 10.6.1982. His request was not acceded vide letter dated 15.12.82 and 27.4.1983 and thereby the cause of action accrued on 27.4.1983, whereas this O.A. has been filed in the year 1998 i.e. with delay of 14 years ~~by~~beyond the period of limitation, for which

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neither there is any explanation nor request  
for condonation of delay and thereby the O.A.  
is dismissed being barred by period of limitation.  
No order as to costs.

*Sac M. M.*

Member (J)

/M.M./

02.02.2001

Hon. Mr. Justice R. R. K. Trivedi, V.C.

Heard Sri A. K. Bagbaw, counsel for the applicant and Sri Rajesh Mishra, holding brief of Sri S. C. Tripathi, counsel for respondent.

By this M.A. 380/01 prayer has been made that order of this Tribunal dt. 11.12.00 by which OA was decided on merits may be recalled and application may be heard on merits again. After hearing counsel for the applicant and on perusal of the order ~~as~~ already passed, I donot find any justification for recalling the order. M.A. has no merit and is rejected accordingly. No costs.



V.C.

