

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

Allahabad : Dated this 2nd day of January, 2002.

Original Application No. 1541 of 2001.

CURAM :-

Hon'ble Maj Gen KK Srivastava, A.M.

Adya Nath Son of Late Kamla Kant Mishra,
Resident of Tulapur (Gahashipurwa)
Post Office Mukundpur, Distt-Allahabad.
(Sri Anupam Shukla, Advocate) Applicant

Versus

1. The Union of India

Through its General Manager,
Northern Railway, Baroda House,
New Delhi.

2. Divisional Railway Manager,
Lucknow.

3. Divisional Railway Manager,
Allahabad.

(Sri AK Gaur, Advocate)

. Respondents

U R D E R (O_r_a_l)

By Hon'ble Maj Gen KK Srivastava, A.M.

This application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

- (i) to direct the respondents to provide a suitable job to the applicant in accordance with his academic qualification under the relevant service rules prescribed for dependent of railway servant dying in harness.
- (ii) to direct the respondents to decide the representation dt. 15-1-2001 of the applicant (Annexure-A-2).

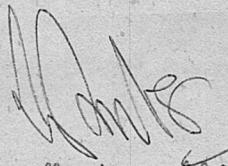
2. The facts in brief giving rise to this case are that the applicant is the adopted son of Late Kamla Kant Mishra. As per applicant his father was a Government employee in the Indian Railways as Gatekeeper and he had rendered continuously 10 years of service. He worked at Prayag Railway Station as a Gatekeeper and thereafter he was shifted to Faizabad and his services were confirmed during his life time. His father died in harness on 4-11-1978 when he was of minor age of about one year. His mother was not in a position to take the job at that time.

3. Sri Anupam Shukla, learned counsel for the applicant submitted that after attaining the age of majority the applicant has been running from pillar to post and regularly met the D.R.M. Lucknow, who has been promising to look into his case. He also made a representation on 15-1-2001. (Annexure-2) which has so far not been decided. He further submitted that in absence of any job the applicant is not able to look after the widow of the ex-Railway employee and his case deserves to be considered on compassionate ground.

4. Sri AK Gaur, counsel for the respondents raised preliminary objection on two counts. Firstly, that date of attaining the age of maturity of the applicant has not been given in the OA. As per applicant, he was one year old on 4-11-1978 when his father died. Obviously the applicant attained the age of majority during 1995 and as per rules the claim for appointment on compassionate ground should have been preferred within one year of attaining the age of majority which has not been done. The case is, therefore, grossly time barred and deserves to be dismissed. Secondly no details regarding Late Kamla Kant Mishra about the period he served Railways have been given thereby making it impossible for the respondents to consider the applicant's claim.

5. I have heard counsel for the parties and perused the record. There is force in the arguments of Sri AK Gaur, counsel for the respondents. In para 4.5 the applicant has averred that he was one year old on 4-11-1978 at the time of death of his father. Therefore, admittedly he attained the age of majority during 1995. As per rules the applicant should have applied for compassionate appointment within one year of attaining majority which has not been done. The applicant raised the claim for compassionate appointment only in 2001. In view of the aforesaid discussion and observation the case is barred by limitation and, therefore, deserves to be rejected. The OA is accordingly dismissed as time barred. No costs.

6. It is, however, open to the applicant to pursue his representation if he so wishes and it is upto the respondents to decide the same in accordance with law.


Member (A)

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