

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(ALLAHABAD BENCH) ALLAHABAD.

D.A. NO. 343/2

OF 199

Date of decision 23.2.93

..... Gulab Chand Petitioner

..... S. Ravish Saxena Advocate for the petitioner

VERSUS

..... U.O.D. & others Respondent

..... A. D. S. Saxena Advocate for the Respondents

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CORAM :-

The Hon'ble Mr. Mahanraj D'm J.M.

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the judgment
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether to be circulated to all other Benches ?

} No

.....
Signature

NAQVI/

THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD

O.A. No. 343/1992

Gulab Chand

...
Applicant

Vs.

Union of India & others ...

Respondents

Hon. Mr. Mahajani Din, J.M.

1. This is an application under Section 19 of the Administrative Tribunals Act, 1985 praying to issue direction to the respondents to appoint the applicant on compassionate ground on account of death of his father Shiv Prasad.

2. The relevant facts giving rise to this application are that Sri Shiv Prasad father of the applicant was working as a Gangman under the P.W.I., Northern Railway died on 16.1.1965 while working as Gangman. It is stated that at the time of the death of Sri Shiv Prasad, his four sons were minor and his wife was an illiterate lady. The applicant passed High School and thereafter Intermediate Examination (Annexure - II to IV). The widow of the deceased who is the mother of the applicant is getting family pension after the death of her husband. It is further stated that none of the family members of the applicants father has been appointed on compassionate ground. The applicant as well as his mother made representation to the D.R.M., Northern Railway, Lucknow from time to time and ultimately the representation of the applicant was rejected vide impugned order dated 7-1-1992 (Annexure - A 13).

3. The respondents filed written reply and resisted the claim of the applicant maintaining that the application is barred by limitation.

4. I have heard the learned Counsel for the parties and perused the record.

5. It is not disputed that Late Shri Shiv Prasad father of the applicant had died on 16.1.1965. According to the applicant he was a minor at the time of the death of his father. The applicant has stated that his mother moved an application in the year 1987 (Annexure -A 8) before the D.R.M., Northern Railway, Lucknow requesting him to provide appointment to the applicant on compassionate ground. This application does not bear any date and the respondents have denied to have received such application. The mother of the applicant moved another application on 19.9.1989 (Annexure -A 10) requesting the D.R.M., Northern Railway, Lucknow to provide appointment on compassionate ground to the applicant. The D.R.M., Lucknow vide his order dated 7-1-1992 (Annexure -A 13) rejected the prayer of the applicant for providing employment on compassionate ground.

6. It has been contended on behalf of the respondents that deceased Shiv Prasad left behind his four sons and the applicant is his 4th son. Obviously, the eldest son must have become major much earlier to the applicant. He did not apply for appointment on compassionate ground. Neither the applicant nor the respondents have disclosed in their pleadings that two elder sons of deceased Shiv Prasad are already in employment of the Railway administration. During the course of argument, it however revealed that 2 sons of the deceased employee are already in employment, as such the condition of the family of the applicant is not indigent and distress.

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7. It is contended on behalf of the applicant, that the ward of some of the deceased employees were given appointment on compassionate ground and the applicant has been discriminated by refusing to provide appointment on compassionate ground. The respondents have admitted that one Ram Ganesh son of Shri Kanhai..... was appointed on compassionate ground, but his case is different from the case of the applicant. Shri Kanhai father of Ram Ganesh died in an accident while on duty. As such the case of the applicant is entirely different from those who were given appointment on compassionate ground. The respondents have stated that the request for compassionate appointment of the applicant for the first time was received on 19.9.1989 vide Annexure-A 14. The widow of the deceased employee remained silent for about 24 years and 8 months and for the first time she applied for appointment on compassionate ground of her 4th son on 19-9-1989.

8. The applicant has filed photostat copy of the High School certificate (Annexure - A3) in which his date of birth is written as 18-2-1963. So he attained majority in the year 1981. He should have made prayer for appointment soon after attaining the majority as per rules. But he moved application after 8 years and 7 months of attaining the age of majority. So the application of the applicant is badly barred by limitation also.

9. In view of the discussions made above, there is no merit in the case of the applicant and his application is also badly barred by limitation which is dismissed with no order as to costs.

22.2.93
Member (J)

Allahabad
dt. 22-2-1993
/smc/