

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

O.A.No. 447/92

Jagdish Prasad....

..... Applicant

Versus

Union of India and others.

..... Respondents

By Hon'ble Mr. MaharaJ Din, J.M.

This is the application under section 19 of the Administrative Tribunal Act 1985 seeking for the relief of appointment of the applicant on compassionate ground.

2. The relevant facts giving rise to this application are that Punni Lal father of the applicant was employed as a fitter under the Wagon Foreman Northern Railway Chauki, Allahabad who died on 22.12.1981 while he was in employment. The applicant had born on 15.2.1970 as such he was minor at the time of the death of his father. On attaining the majority the applicant's mother applied on prescribed proforma for compassionate appointment of the applicant. The request of the mother of the applicant was turned down vide impugned order dated 28.8.90 ( Annexure-A2). The mother of the applicant sent an application to the General Manager, Northern Railway, New Delhi in the month of October, 1990 to consider the case of the applicant for appointment on compassionate ground ( Annexure-A3), but nothing could be done. The mother of the applicant also approached the Minister for Railways in this regard and she was informed that he was looking into the matter ( Annexure-A4) but nothing could be done. Hence the applicant has come up before this Tribunal for redress.

3. The respondents filed counter reply and resisted the claim of the applicant stating that the claim of the applicant is barred by limitation.

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

5. It is not disputed that the applicant was minor at the time of the death of his father. He, however, attained the age of majority on 15.2.1988. In terms of the instructions of the Railway Board as contained in letter No. E(NG)II/178/RC-1 dated 30.4.1979 and dated 18.4.1985 in case of a minor the matter for compassionate appointment may be kept pending till the minor becomes major while the widow cannot take up employment. Such request for appointment should have been received by the Railway Administration as soon as minor becomes major, within a period of 6 months. So the applicant the second son of the deceased employee on becoming major on 15.2.1988 should have applied within 6 months on attaining the age of majority. This period of 6 months had been extended upto one year vide Board letter No. E(NG) II/87/RC-1/57 dated 21.8.1987.

6. Admittedly the applicant Jagdish Prasad became major on 15.2.1988 and the first application in the prescribed proforma was moved on 7.6.1989 (Annexure-A2) which is obviously beyond extended period of one year.

7. The eldest son Ashok Kumar of the deceased was major at the time of his death and he was already in employment prior to the death of his father as would appear from the certificate issued by the Assistant Account Officer, A.G.U.P., Allahabad. The employment to the second minor son on com-

ssionate ground can be given according to the Board Circular letter No. E(NG) II/84/RG-J/172 dated 1.3.1985. Since the first application in the prescribed proforma was moved 4 months after the prescribed period of 1 year, therefore, the appointment to the applicant on compassionate ground has been rightly refused.

8. I find no merit in the case of the applicant which is hereby dismissed with no order as to costs.

  
Member (J)

Dated: Allahabad  
10<sup>th</sup> Feb., 1993

(AR)