

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No.1094 of 1992

Allahabad this the 18th day of January, 2000

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

Shambhu Nath Chauhan Sp/ Late Bipat Ram, ex Shunting
Porter Plant Depot, Mughalsarai, Village Chandhasi
(Kushwaha Basti) P.O. Mughalsarai, Distt.Varanasi

Applicant

By Advocates Shri S.K. Dey
Shri S.K. Mishra

Versus

1. Union of India through General Manager,
Plant Depot(E. Rly.) Fairlie Place, Calcutta.
2. Chief Factory Manager, Plant Depot(E.Rly.)
Mughalsarai, Varanasi.
3. Chief Engineer, Plant Depot(E. Rly.), Mughal-
sarai, Varanasi.

Respondents

By Advocate Shri A.K. Gaur.

O R D E R (Oral)

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

Shri Bipat while in the service of
the respondents in the Eastern Railway died in
harness on 10.5.1970. At that time, the applicant

See next pg. 2/-

Shambhu Nath Chauhan is said to have been of 2½ years old only. Later-on in the year 1983 for the first time, the mother of the applicant moved for appointment of Shambhu Nath Chauhan on compassionate ground and then she repeated his request twice in the year 1991 and applicant himself moved an application in the year 1990. Vide order dated 31.07.1991, it was communicated to the mother of the applicant that her application dated 02.1.1990 was considered by the competent authority and has been rejected for being time barred. Against this decision by the department, the applicant has come up before the Tribunal with the prayer that he be enlisted for compassionate appointment in category 'D'.

2. The case has been contested on behalf of the respondents and counter-reply filed.

3. Heard, Shri S.K. Misra for the applicant and Shri A.K. Gaur for the respondents.

4. It is not in dispute that the time limit fixed to move for compassionate appointment is 5 years which can be extended by the Railway Board on the recommendation of the General Manager in special cases. In the present case, Shri Bipat Ram died in May, 1970 and the first move for compassionate appointment was preferred after 13 years

See page - pg.3/-

7

:: 3 ::

i.e. vide application dated 09.5.1983. There is also no request to General Manager to consider his case for relaxation in the limitation bar and, therefore, I find that refusal ^{to appoint the applicant} on this count cannot be successfully assailed. Moreover, the relief sought is not for consideration but for appointment which is not possible by the Tribunal.

5. For the above, I do not find any merit in the O.A., which is dismissed accordingly. No order as to costs.

Sae magi

Member (J)

/M.M./