

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

O.A. NO.453 of 2000

This the 25th day of November, 2002

HON'BLE SHRI M.P. SINGH, MEMBER (A)

1. Smt. Jasoda Devi W/o Late Misri Saw,
Ex.Gangma, House No.150-D/1, Meera
Pati, Dhumanganj, Allahabad (U.P.).
2. Birendra Saw S/o Late Misri Saw,
House No.150-D/1, Meera Pati,
Dhumanganj, Allahabad (U.P.).

(By Advocate : Shri S.S. Sharma)Applicants

Versus

1. Union of India owning and representing,
Northern Railway, Notice to be served to
The General Manager, Eastern Railway,
Fairlee Place, Calcutta.
2. The Division Railway Manager,
Eastern Railway, Dhanbad.
3. The Assistant Engineer,
Eastern Railway,
Daltonganj.
4. The Secretary,
Railway Board, Rail Bhawan,
New Delhi.

(By Advocate : Shri K.P. Singh)Respondents

ORDER (ORAL)

The applicants in this OA are challenging the order dated 02.6.1998 whereby the Divisional Railway Manager, Eastern Railway, Dhanbad, i.e., Respondent No.2, has rejected the representation/appeal dated 2.6.1998 for grant of appointment to applicant No.2 on compassionate grounds.

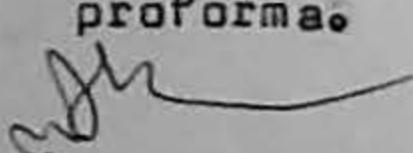
2. The brief facts of the case, - - - - - are that the applicant No.1 is a widow of Mishri Saw (deceased govt. employee), Ex.Gangman, who was working under the Permanent Way Inspector, Eastern Railway, Daltonganj and the applicant No.2 (Birendra Saw) is a son of deceased Govt. employee. The husband of the applicant No.1 ^{was} died in harness on 5.10.70. She had applied for compassionate appointment of her elder



son vide application dated. 29.1.1998. In other words, the said application was submitted after a lapse of 27 years, 3 months and 24 days ~~i.e. after~~ ^{from the date of death} the death of the deceased Govt. servant and after 12 years and 20 days from the date of attaining the majority of applicant No.2. The date of birth of the applicant No.2 is 9.1.1968. The application for appointment on compassionate ground of applicant No.2 was rejected as the same was time-barred. Aggrieved by this, the applicants have filed the present OA seeking a direction to quash and set aside the impugned order dated 2.6.1998 and have also sought a direction to the respondents to appoint the applicant No.2 on compassionate grounds without any further delay.

3. Heard both the learned counsel for the rival contesting parties and perused the material placed on records.

4. During the course of the arguments, learned counsel for the respondents has raised the objection of limitation. Learned counsel for the respondents has submitted that the application has been filed at such a belated stage and the same cannot be entertained. On the other hand, learned counsel for the applicants has drawn my attention to Railway Establishment Rules and Labour Laws (Annexe A-12 at page 36 of the paper-book) wherein it has been stated that ".... A period of 5 years from the date of occurrence of event is prescribed as period of eligibility of entitlement of appointment on compassionate grounds which may be relaxed up to 20 years with the approval of General Manager." Para (h) of the aforesaid instructions also provides that if the justification exists for extending consideration to cases falling beyond the above time limit i.e. where death took place over 20 years ago and where the applications for appointment are made for other than first child/first son/first daughter, the prior approval of the Ministry of Railways should be obtained by forwarding a detailed proposal with specific justification and personal recommendation of the General Manager in the prescribed proforma.

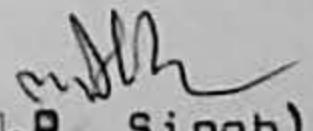


5. Learned counsel for the applicants has submitted that in the present application, only relief he is pressing for is that the applicants' application be forwarded to Railway Board to take a decision in terms of the aforesaid instructions.

6. From the records placed before me, I find that the application for appointment on a compassionate ground of applicant No.2 has been submitted after a lapse of more than 27 years from the death of the deceased Govt. employee. The main purpose for providing the appointment on compassionate ground is to grant the immediate relief to the family so that the family of the deceased Govt. employee does not become vagrant.

7. In this case, I find that the family of the deceased Govt. employee has sustained for about 32 years after the death of the deceased Govt. employee. The very purpose of providing the immediate relief to the family of the deceased Govt. servant by employing one of the members of the family does not exist any more. I also find that the present OA has been filed on 28.2.2000, i.e., 30 years after the death of the Govt. servant and no misc. application seeking condonation delay in filing the present OA has been filed. Merely submitting the repeated representations will not enlarge the scope of limitation as required under Section 21 of the Administrative Tribunals Act, 1985. I, therefore, do not find any ground to interfere with the impugned order dated 2.6.1998 passed by the respondents.

8. For the reasons recorded above, the present OA is highly time-barred and bereft of merit and is accordingly dismissed. There shall be no order as to cost.


(M.P. Singh)
Member (A)

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