

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO. 1512 OF 2002

ALLAHABAD THIS THE 7TH DAY OF FEBRUARY, 2003

HON'BLE MRS. MEERA CHHIBBER, J.M.

Hari Prasad,  
Son of Late Bideshi,  
aged about 34 years,  
resident of Village-Kagipur,  
Post Sogain,  
District-Chandauli. ....Applicant

(By Advocate Shri B.N. Singh)

Versus

1. Union of India,  
through General Manager,  
Eastern Railway,  
Kolcutta.

2. Divisional Railway Manager,  
Eastern Railway,  
Moghalsarai. ....Respondents

(By Advocate Shri K.P. Singh)

ORDER

By this O.A. applicant has sought a direction to the respondents to consider the case of applicant for appointment on compassionate ground within a stipulated period and or to him appoint/on any suitable post on compassionate grounds.

2. It is submitted by the applicant that his father Late Shri Bideshi was working as a regular Gangman under the Control of P.W.I., Karmnasa, Eastern Railway, MUGHALSARAI and he died on 11.02.1970 in harness leaving behind five children and wife as his dependents. It is submitted by the applicant that he was a minor at that time and he attained majority in 1996 and thereafter, he had given several representations to the



respondents but till date respondents have not given him any reply. The representations of the applicant are annexed as Annexre A-1 to A-11 with the O.A. It is further submitted by the applicant that on 25.01.1993 respondents have called the applicant to give certain documents which were submitted by him and he was informed that whenever his case is decided by the respondents it will be communicated to him but till date since respondents have not communicated any reply, aggrieved by this, he is forced to file the present O.A.

3. I have heard both the counsel and perused the pleadings as well.

4. As per applicants own averments he attained majority in the year 1986 and he applied in 1986 itself. Therefore, if the respondents had not given any reply to him he ought to have filed the O.A. within 18 months. Thereafter, as per section 21 of Administrative Tribunals Act 1985, He did not do any such thing. Thereafter, as per his own averment in 1993, he was asked to despatch the documents which was duly despatched by him and he was informed that when-ever the case will be decided, he will ~~certain~~ <sup>be informed of</sup> the same, ~~and~~ such letter has been annexed by the applicant but even if for the sake of arguments his contention is accepted ~~if~~ <sup>that</sup> the respondents had not passed any final order on his representation, he should have ~~to~~ approached the court within one year atleast from 1994 itself because period of limitation as laid down under the Administrative Tribunals Act is one year from the date of cause of action. It is submitted by the applicant that he kept on giving representations to the authorities, ~~as~~ <sup>the</sup> law on the subject is well settled by now that repeated representations did not extend the period of limitation, Therefore, the present case is clearly barred by limitation. Applicant has not filed any application for condonation of delay. In



Ramesh Chandra Sharma's case Hon'ble Supreme Court has held that if an O.A. is barred by limitation, Tribunal cannot even entertain the same or waive the delay, unless an application for condonation of delay is made. Accordingly, I am bound by the judgements given by Hon'ble Supreme Court.

5. The O.A. is accordingly dismissed as barred by limitation with no order as to costs.



Member-J

/Neelam/