

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.115 OF 2003
ALLAHABAD THIS THE 26TH DAY OF MARCH,2003

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

Mohd. Arif
aged about 31 years
son of Late Shri Salim Khan,
resident of 188 Chaman Ganj,
Sipri Bazar,
Jhansi. Applicant

(By Advocate Shri R.K. Nigam)

Versus

1. Union of India,
through General Manager,
Central Railway,
Mumbai CST.
2. Chief Workshop Manager,
Central Railway,
Jhansi. Respondents

(By Advocate Shri K.P. Singh)

ORDER

By this O.A. applicant has sought the following reliefs:-

"To issue a writ, order or direction in the nature of certiorari quashing the impugned orders dated 8.6.92, 6.10.98 and 1.2.99 (Annexures A-I, A-II and A-III respectively).

ii) to issue a writ, order or direction to the nature of mandamus thereby commanding the respondents to consider and appoint the petitioner in Class IV Group 'D' post on compassionate ground for which a time bound direction is solicited.

iii) to issue any other suitable order in favour of the humble petitioner as deemed fit by this Tribunal in the facts and circumstances of the case.

iv) to award cost of the petition in favour of the humble petitioner."



2. It is submitted by the applicant that his father Late Salim Khan died in harness while working as Skilled Fitter in W.R. Inspection-2 in the Central Railway Workshop, Jhansi on 5.10.1975 when applicant was only four years old. He attained majority in the year 1989, therefore, his mother applied for compassionate appointment in favour of her son (Page 18). The respondents have rejected the claim of applicant as not within the rules by order dated 8.6.1992 (Page 11). Being aggrieved applicant again gave his representation which was rejected for the second time on 6.10.1998 (Page 12). The applicant again gave another representation which too was rejected on 1.2.1999 (Page 13). The applicant has challenged these orders by filing the present O.A. on 6.2.2003.

3. Respondent's counsel opposed the maintainability of the O.A. itself. At the outset on the ground that this O.A. is barred by limitation as such is liable to be dismissed on this very ground. Counsel for the applicant submitted that since the respondents have not given any reasons, they had been filing representations to the authorities and such representation was filed on 23.07.2002 (Annexure-11) but since no reply was given by the respondents he had no other option but to file this present O.A..

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

5. As per section 21 of the A.T. Act 1985, period of limitation laid down in the Act is one year from the date of cause of action. In the instant case, admittedly applicant's father had died as back as in the year 1975 as per applicants



own averment. He attained majority ^{also} in the year 1989 and his mother gave a representation to give compassionate appointment to her son which was rejected by the respondents on 08.06.92 and since she kept on filing representations, the authorities rejected her claim again by order dated 06.10.1998 and 01.02.1999. If the applicant was aggrieved at least he ought to have filed the present O.A. within one year from the last order passed by the respondents but he did not do anything but simply kept on giving representations to the authorities. On the question of limitation the law is well settled, as the Hon'ble Supreme Court has already held that repeated representations ~~do~~ not extend the period of 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 judgement given by Hon'ble Supreme Court.

6. In view of the above discussions, this O.A. is not maintainable and is rejected being barred by limitation with no order as to costs.



Member-J

/Neelam/