

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD

original Application No.1219 of 2003

Allahabad, this the 23rd day of January, 2004.

Hon'ble Mrs. Meera Chhibber, J.M.

Durgawati d/o Late Sri Leshan,
R/o Village Tikri,
P.O. Hethar/Meja
Tahsil Meja
District - Allahabad.

... Applicant.

(By Advocate : Shri Ashok Kumar (Absent))

Versus

1. Union of India through the General Manager, Eastern Railway, Calcutta.
2. The Senior Divisional personnel Officer, Eastern Railway, Dhanbad. Respondents.

(By Advocate : Shri K.P.Singh)

O R D E R

I am deciding this case by attracting Rule 15 (1) of CAT (procedure) Rule, 1987 as none had appeared for the applicant even in the revised call by perusing the records.

2. By this O.A., applicant has sought the following relief(s) :-

- (i) the respondents be directed to appoint the applicant in the Railway Department in place of her father late Leashan on compassionate ground in the post of keyman or any other post which may be deemed fit for her and she may be allowed to work on the said post.
- (ii) to award the cost of the application.
- (iii) any other relief which the Hon'ble Tribunal deems fit and proper be granted to the applicant.

3. It is submitted by the applicant that her father died on 18.9.96 leaving behind applicant since her father

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was the sole bread earner and she was left all alone she gave an application on 7.11.1996 (page-8) for grant of compassionate appointment but the same has not been decided by the respondents so far therefore she is left with no other option but to file the present O.A.

O.A. is opposed by the respondents' counsel who has submitted the O.A. is barred by limitation, and is not even supported by an application for condonation of delay therefore the O.A. is liable to be dismissed at the admission stage itself.

2. I have read the O.A. and find that as per applicant's own averments, her father had died in harness in the year 1996 and she gave an application for compassionate appointment on 7.11.1996. Even though this application does not bear any acknowledgment, but if it is to be taken as true her cause of action arose in November, 1996, therefore it is rightly pointed out by the respondents' counsel that she could have filed the O.A. within 18 months from the said date as that is the maximum period of limitation as laid down in Section 21 of A.T. Act, 1985. No such effort was made by the applicant to approach the Court. Present O.A. has been filed only in the year 2003, therefore, definitely it is barred by limitation. It is also well settled by now that repeated representation do not extend the period of limitation. Moreover, applicant has not even filed an application seeking condonation of delay. It has been held by the Hon'ble Supreme Court in the case of Ramesh Chandra Sharma reported in 2000 (2) AISLJ S.C. 89 that where the case is barred by limitation, court cannot even look into the merits of the case, nor can waive the delay, unless it is specifically prayed for by the applicant.

Since this case is fully covered by the above judgment given by the Apex Court the same is dismissed at the admission stage itself being barred by limitation. NO order as to costs.



MEMBER (J)

GIRISH/-