

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.218 OF 2003
ALLAHABAD THIS THE 11TH DAY OF MARCH, 2003

HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

Smt. Bhona Devi,
W/o Late Raqunath Prasad,
Resident of Village-Burhadih,
Post Office-Gulariha,
District-Gorakhpur.

.....Applicant

(By Advocate Shri H.C. Singh)

Versus

1. Union of India,
General Manager North East,
Railway, Gorakhpur.

2. Division Railway Manager,
North East Railway,
Varanasi.

3. Mukhya Sanket Evam Sanchar Bngineer/
Nirman North East Railway,
Gorakhpur.

.....Respondents

(By Advocate Shri K.P. Singh)

O R D E R

By this O.A. applicant has challenged the order dated 03.04.2000 whereby the competent authority has rejected her claim by stating that there is no justification to give compassionate appointment as she has already been given an amount of Rs13379/- by way of PF, Rs15038/- by way of GIS, Rs36,208/- by way of DCRG, apart from pension of Rs1275/- (Page-9)

It is submitted by the applicant that her husband was working as a Khalasi and died on 15.12.1998 while in harness leaving

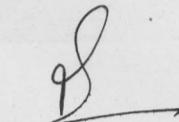


behind his widow/applicant. Her case has been rejected without due application of mind as the Tehsildar has already given a certificate recommending therein that she should be given employment by the Railways, Since the applicant had filed this O.A. only on 21.02.2003 while the order challenged in this O.A. is 03.04.2000, I had asked the counsel as to why this O.A. should not be dismissed on the question of limitation. Counsel for the applicant submitted that he has already filed an application for condonation of delay. Therefore, for reasons given in the application, the delay may be condoned. I have seen the application under section 5 of the Indian Limitation Act. In para 1 of the application it is stated that the applicant is lunatic and illiterate lady and she does not know the means of court and delayed to file the application before the court as she was not aware of the limitation. In para 3 of the said application it is stated that full facts have been stated in the accompanying affidavit which forms part of this application. Therefore, in the interest of justice delay may be condoned.

2. Pausing here for a moment the question arises is
~~whether~~ whether a person who is stated to be Lunatic herself can be given any employment by the Railways. The answer definitely is 'NO' when applicant has herself stated that she is a lunatic. The matter ends there and even otherwise no affidavit, as stated in para 3 of the said application, has been

filed by the applicant, Therefore application for condonation of delay is rejected being incomplete. Since limitation is not and condoned, this O.A. is barred by limitation/as such is dismissed at the admission stage itself on the question of limitation itself.

3. There will be no order as to costs.



Member-J

/Neelam/