

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 27th day of March, 2003.

Original Application No. 269 of 2003.

Hon'ble Mrs. Meera Chhibber, Member- J.

1. Smt. Champa Devi w/o Late Budhu

2. Mohan S/o Late Budhu

Both 1 and 2 are R/o Vill. Jharna Tola
Post- Kuraghat, Distt. Gorakhpur.

.....Applicants

Counsel for the applicants :- A.K. Rai

V E R S U S

1. Union of India through the General Manager,
N.E. Rly. Gorakhpur.

2. Dy. Chief Engineer, N.E. Rly.,
Gorakhpur.

3. C.P.O, N.E. Rly., Gorakhpur.

.....Respondents

Counsel for the respondents :- Sri K.P. Singh

O R D E R (Oral)

By this O.A applicants have sought the following
reliefs :-

1. To issue suitable order or direction in nature of mandamus be issued to respondents to provide the appointment to the applicant No. 2 Mohan on any class IV post on compassionate ground in dying in harness scheme as earliest possible.
2. To issue any other and further relief may be granted to the applicants which this Tribunal may deem fit and proper in the circumstances of the case.
3. To award the costs of the application to the applicants.



2. It is submitted by the learned counsel for the applicants that husband of the applicant No. 1 and father of the applicant No. 2 Late Sri Budhu was regular employee, Mali, working under the Garden Inspector, N.E. Rly., Gorakhpur who died on 02.01.1991 at Railway Hospital, Gorakhpur. The applicant No. 1, widow of the employee gave an application for giving compassionate appointment for her son i.e. applicant No. 2. It is submitted by the applicant that the Inspector, who came for verifying the facts, demanded illegal money from them but since they were not able to give money, he submitted wrong report that Mohan is not son of Late Sri Budhu. The request was rejected vide letter dated 03/09.09.1996 (Annexure- 1). It is submitted that after this report he kept on giving representation to the authorities but since no reply was given to him, he had no other option but to file this O.A.

3. Sri K.P. Singh, learned counsel for the respondents has taken preliminary objection to the maintainability of the O.A itself on the ground that this O.A is highly time barred in as much as, even, as per applicant's case, employee had died in the year 1991 and the request was rejected vide letter dated 03/09.09.1996 but even thereafter they did not take any steps to challenge the said order within one year as stipulated under section 21 of the Administrative Tribunals Act, 1985. Therefore, this O.A is not maintainable and even now in the present O.A, the applicants have not even challenged the letter dated 03/09.09.1996 wherein it has been held that applicant No. 2 is not the son of Late Sri Budhu.

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

5. Vide letter dated 03/09.09.1996 the respondents had informed applicant No. 1 that her son Mohan could not be



given appointment on compassionate grounds as it has been submitted by the Inspector that Sri Mohan is not the son of Late Sri Budhu but is son of Late Sri RamSaran. If the applicants were aggrieved by this order they ought to have challenged this order within one year but no such ~~effort~~ ^{effort P} was made by the applicants. They simply gave representations but Hon'ble Supreme Court has held that repeated representations do not extend the limitation and even now in this O.A also the applicants have not challenged the letter dated 03/09.09.1996 whereby it was held that Mohan is not the son of Late Sri Budhu. Therefore, the O.A is not only barred by limitation but is even otherwise not maintainable and the same is accordingly dismissed.

6. There will be no order as to costs.



Member- J.

/Anand/