

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 27th day of March, 2003.

Original Application No. 270 of 2003.

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

1. Jasia Wife of Late Radhey Lal
2. Kallu S/o Late Radhey Lal

Both residents of Vill. Naipura, Jaitpur,
Tehsil- Kulpahad, Distt. Mahoba.

.....Applicants

Counsel for the applicants :- Sri K.C. Tripathi

V E R S U S

1. Union of India through the Secretary, Rail Mantralaya
Rail Bhawan, New Delhi.
2. D.R.M, Central Railway, Jhansi.

.....Respondents

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

O R D E R (Oral)

This O.A has been filed by two persons namely Jasia, who claimed to be wife of Late Sri Radhey Lal and Kallu who claimed to be son of Late Sri Radhey Lal. They have submitted that they have to file this O.A due to in-action on the part of the respondents, in as much as, neither the respondents have released family pension in favour of applicant No. 1 nor decided the case of the applicant No. 2 for grant of compassionate appointment.

2. Sri K.C. Tripathi, learned counsel for the applicants has submitted that Late Sri Radhey Lal died in harness on 16.03.1997 after putting 25 years of service. As such he acquired temporary status. He was even screened and empanneled but unfortunately he died before the pronouncement of result.

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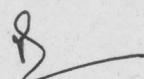


Therefore, after his death applicants applied for family pension as well as for compassionate appointment but the applicant No. 1 was paid only an amount Rs. 25,913/- on 08.12.1998 as final settlement of her claim (annexure 1&2). Since the respondents neither decided the claim for family pension nor claim for compassionate appointment of applicant No. 2 they have no other option but to approach the Tribunal.

3. Sri K.P. Singh, learned counsel for the respondents ~~at~~ the out set submitted that this O.A is not maintainable as it is barred by limitation. He also submitted that the applicant was given final settlement as per the Pension Adalat decision which is apparent from page 9 of O.A itself ^{as per page 9} and even though that settlement was paid to the applicants in the year 1998, therefore, if the applicants had any grievance with regard to non-payment of family pension or compassionate appointment they ought to have filed this O.A within one year from the date of cause of action as the period of limitation laid down under section 21 of the Administrative Tribunals Act, 1985 is one year. Even otherwise, learned counsel for respondents has submitted that the applicant has not filed any document with the O.A to show that she had even asked for family pension. Infact the only letter which is annexed with the O.A at page 11 is ~~for~~ requesting ^{for} compassionate appointment and even that is dated 21.01.2002 and there is no acknowledgment on the said letter. He has thus prayed that this O.A may be dismissed at the admission stage itself.

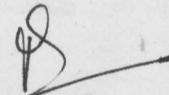
4. I have heard both the learned counsel for the parties and perused the pleadings as well.

5. I would agree with the respondents counsel that since the settlement claim was given to the applicant No. 1 after the decision taken by the Pension Adalat in the year 1998 itself, the applicant ought to have approached the court within one



year, if she had any other grievance but neither there is any other application filed by the applicants to show that they had ever demanded the family pension nor the application annexed as annexure- 3 (pg.11) ^{shows B} ~~has~~ acknowledgement by any official. It is thus clear that the applicants have not taken up the matter with the authorities at all. Even otherwise the deceased employee had died, as per applicants' own averment, on 16.03.1997 and the first application which has been filed by the applicants with the O.A is dated 21.01.2002, meaning thereby that ^{for B} five good years, applicants ^{ddh B} ~~could~~ not ^{seeking B} file any application for ^A appointment on compassionate grounds. It goes without saying that delay is a very important factor in case of compassionate appointment because if the family could survive for good five years without applying for compassionate appointment that itself would show that the family was not in ^{an B} indigent condition. Therefore, in my considered view no case has been made out by the applicants for interference. Accordingly, the O.A is dismissed at the admission stage.

6. There will be no order as to costs.



Member- J.

/Anand/