

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

ORIGINAL APPLICATION NUMBER 1058 OF 2003

ALLAHABAD, THIS THE 25th DAY OF FEBRUARY, 2004

HON'BLE MR. A. K. BHATNAGAR, MEMBER (J)

Magru Pal son of Late Shri Mohan Ram,  
resident of Mohalla Gora Bazar (Pather Ghat),  
Post Office Per Nagar, District- Ghazipur.

.....Applicant

(By Advocate : Shri S. Saran)

V E R S U S

1. Union of India through its Secretary,  
Government of India, Ministry of Finance,  
Department of Revenue, Central Board of  
Excise and Customs, New Delhi.
2. Chief Controller,  
Govt. Opium & Alkloid Factories,  
13-Adarsh Nagar, Bhole Ka Mandir,  
Murar, Gwalior (Madhya Pradesh).
3. General Manager,  
Govt. Opium & Alkloid Factory,  
Ghazipur.

.....Respondents

(By Advocate : Shri G.R. Gupta)

O R D E R

*A Counsel for the*  
I have heard the parties and perused the records. I do  
not consider it necessary to issue notice to the respondents  
for filing counter as this case is *"* highly time barred  
and is being decided at the initial stage.

2. By this Original Application, filed under section 19 of  
Administrative Tribunals Act, 1985, the applicant has prayed  
for a direction to the respondents to appoint the applicant

on compassionate ground in the department.

3. Grievance of the applicant in this case is that the father of the applicant had died on 26.06.1975 when the applicant was only 5 years old. The applicant after attaining the age of majority, applied for compassionate appointment on 14.05.1986 (Annexure-1). Applicant sent another representation for grant of compassionate appointment on 16.09.1994 (Annexure-3) which was followed by several representations. Vide order dated 29.06.1995 & 24.08.1995 the respondent No.3 rejected the claim of the applicant (Annexure-7 & 9) for grant of compassionate appointment. Thereafter, the applicant has also made representations before the respondents on 06.03.2001 and 06.01.2003 but no action was taken by the respondents, therefore, he had to file the present O.A.

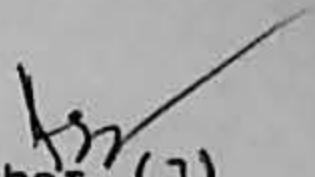
4. I have heard both the counsel at length and it is also evident that since the rejection order has been passed, the applicant has continuously been sending representations after representations to the department for getting compassionate appointment. Admittedly the father of the applicant died on 26.06.1975, the case of the applicant for compassionate appointment was rejected by the department vide order dated 24.08.1995 this O.A. has been filed on 26.08.2003 i.e. after a lapse of 28 years of the <sup>death</sup> ~~date~~ of the applicant's father and 8 years after the rejection order passed by the respondents. Although the O.A. should have been filed much earlier within <sup>✓</sup> a time prescribed under section 21 of A.T. Act, 1985. The applicant <sup>has</sup> continuously been sending representations after representations i.e. 14.05.1986, 16.09.1994, 07.07.1995, 21.10.1994, 31.12.1999, 28.07.2000, 25.11.2000 and 06.03.2001. As the law is very well settled on the subject that repeated representations do not extend the period of limitation.

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5. In view of the above discussion, I find that the O.A. is not maintainable on the ground of limitation. Accordingly, the O.A. is dismissed as grossly time barred. No order as to costs.

  
Member (J)

shukla/-