

(10)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.135 OF 2006

ALLAHABAD THIS THE 7TH DAY OF JANUARY, 2008

HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J

Har Kunwar,
Wife of Sri Laxman Prasad.
Resident of Shabha Singh Ka Purwa,
Tehsil Karvi, District-Chitrakoot.

..... .Applicant

By Advocate : Shri A. K. Srivastava

Versus

1. The Union of India through G.M.C.A.
C.S.T., Mumbai.
2. Divisional Railway Manager,
N.C.R. Allahabad.

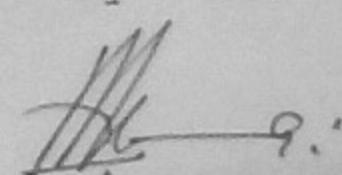
..... .Respondents

By Advocate : Shri Ravi Ranjan

O R D E R

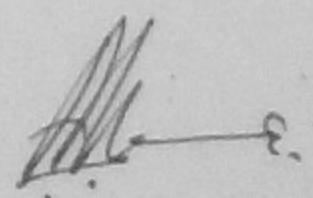
This application is filed seeking direction to the respondent no.2 to consider the matter of the applicant and make payment of pension of the deceased employee and give a job in Class IV under compassionate grounds.

2. The brief facts of the case are that the husband of the applicant was died on 13.03.1991, and thereafter on receipt of the death certificate the request was made by the applicant to the respondents, on getting service particulars again submitted on 16.09.1994 to the respondents, thereafter it is stated that the reminders are made to the respondents and the case of the applicant was not considered by the



respondents. In the mean while the applicant has filed the writ petition before the Hon'ble High Court. The same was dismissed stating that the applicant has to approach the Central Administrative Tribunal with a liberty for the same by the order dated 29.09.2005 and, therefore, this application is filed stating that the grievance of the applicant was not considered by the respondents, if there is delay on the part of the applicant the same may be condoned, as the applicant is poor as having no money to approach Tribunal but made only representation to the respondents. Hence delay in filing the O.A. be condoned.

3. On notice the respondents have filed the objection, even though the detailed objections was filed, but they are contending on the preliminary objection itself, that successive and repeated representations will not give extend cause of action for filing original application after a long delay. Further the respondents contended that the deceased is not the employee of the respondents as the husband of the applicant was the casual labourer. Even though on the documents produced by the applicant himself at Annexure-1 it is stated that Monthly Rated Casual Labour in the identity card issued by the respondents. In view of these things on the ground of delay and also on the ground that he is not coming within the purview of consideration of his case by the respondents, hence sought for the dismissal of the OA.



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4. I have heard learned counsel for the parties. It is an admitted fact that the husband of the applicant was died on 13.03.1991 and the application has been made for consideration the claim of the applicant, on compassionate grounds and thereafter the repeated representations are made for considering the claim. Even though the repeated representations are made but the claim of the applicant was not considered by the respondents. Having regard to the same as contended by the learned counsel for the respondents in the counter affidavit it is not suffice to say that the grounds taken in support of filing the application are not justified, and the repeated representations made by the applicant, are not sufficient grounds to condone the delay in agitating the claim of the applicant. Having regard to the same the contention of the respondents is accepted and further in the absence of statutory enforceable right, with regard to the compassionate appointment, I do not find any justification to allow this application on the ground of delay and latches as the claim of the applicant will not come within the purview of the respondents.

5. In view of the foregoing reasons, the OA is dismissed. No Costs.



Member-J

/ns/