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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application No.178 of 2006

Allahabad this the 07th day of April, 2006

Hon'ble Mr.A.K. Bhatnagar, Member (J)

1. Smt. Champa Devi Wife of Late Babu Ram Shukla.
2. Manoj Kumar Son of Late Babu Ram Shukla,
both residents of Village-Bigahi, Post Office :
Akbarpur, District Kanpur Dehat.

Applicants

By Advocate Shri S.K. Dubey

Versus

1. Union of India, through Secretary, Ministry of Defence, Defence Department, South Block, New Delhi.
2. General Manager, Ayudh Nirmani, Kalpi Road, Kanpur.
3. Works Manager/Administration Ayudh Nirmani, Kalpi Road, Kanpur.

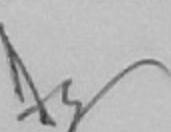
Respondents

O R D E R (Oral)

By Hon'ble Mr. A.K. Bhatnagar, Member (J)

By this O.A., applicants have prayed for issuing a direction to the respondents to appoint applicant no.2 on compassionate ground consequent upon the death of his father.

2. The brief facts giving rise to this O.A. are that husband of the applicant no.1 and father of applicant no.2 Shri Babu Ram Shukla died on 14.02.1996 during his service period after completing 18 years 1 month service. On 26.11.1997 applicant no.1 moved an application for granting compassionate appointment to applicant no.2. Thereafter, she moved representations

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in July, 1998, December 1999, March 2002, March 2004 and she also sent a letter to the Hon'ble Minister of Defence on 24.03.2004. She again sent representations in March 2005 and November 2005. When no action was taken by the respondents, she filed the present O.A. Subsequently, she also moved a misc. application no.1666/06 for condoning the delay in filing the present Original Application, on the same grounds taken in the O.A.

3. Counsel for the applicants contesting the O.A. on the grounds taken in paragraph no.5 of the O.A., submitted that since 26.11.1997 till now the applicant no.1 has been continuously sending representations to respondents no.2 and 3 but no action has so far been taken. He further submitted that S/Shri Jai Prakash Bajpai, Neeraj Sharma and Rajesh Dwivedi were granted compassionate appointment after the death of their father but a discriminatory attitude has been adopted by the respondents in the case of applicant no.2.

4. Heard Counsel for the parties and perused the record available before me.

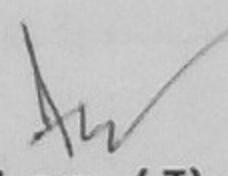
5. It is an admitted fact that husband of applicant no.1 died on 24.02.1996. It is also admitted by the applicants in annexure-1 that applicant no.1 is maintaining her family consisting of Son, daughter-in-law and two grand daughters and one grand son by her pension. It is also admitted fact that her two elder sons are working and living separately with their families since life time of her husband. It is now well settled that the purpose of granting compassionate appointment is to help the family of the deceased in indigent condition immediately to tide over the period of distress so that family could survive. In the present case, it is also an admitted fact that applicant no.2 is also got married during the life time of the deceased and has one son and two daughters aged about 11, 09 and 06 years. It is also evident that

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applicant no.1 has been maintaining his family for about last 10 years with the amount of pension. The cause of action arose to the applicants in the year 1996 when father of applicant no.2 died. Admittedly, applicant no.1 applied for compassionate appointment to applicant no.2 in the year 1997 and thereafter she has been continuously sending the representations after representation since 1998 to 2005. She represented in December 1999 then slept over her rights and again woke up in the year 2002 by moving representation. Then she again moved a representation after 2 years in 2004. This casual attitude of the applicants is not appreciated as they could have filed this O.A. well within time after waiting for 1½ years i.e. in May 1999. It is a well settled law that filing representations after representation do not extend the period of limitation, as prescribed in Section 21 of the Administrative Tribunals Act 1985. The applicant no.1 has also lived for more than 10 years after the death of her husband. This O.A. has been filed on 01.02.2006 after about 10 years from the death of the deceased employee.

6. Moreover, the grounds taken by the applicants in Misc. Application No.1666/06, filed on 28.03.2006, are repetition of the grounds taken in the O.A., which are not convincing. Accordingly, M.A. No.1666/06 is rejected.

7. Under the facts and circumstances and in view of the aforesaid discussion, I find no ground to consider the request of the applicants for directing the respondents to appoint applicant no.2 on compassionate ground. Therefore, O.A. which is grossly time barred and bereft of merit stands dismissed. No order as to cost.



Member (J)