

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

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M.A.No. 358 1989  
O.A. No. with 10 1989  
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DATE OF DECISION 18-07-1989Shri Ayub Mohmed Usmanbhai Belim, PetitionerShri B.B.Gogia Advocate for the Petitioner(s)

Versus

Union of India and Anr. RespondentShri B.R.Kyada Advocate for the Respondent(s)

DRAM :

Hon'ble Mr. P.H. Trivedi : Vice Chairman

Hon'ble Mr. P.M. Joshi : Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

M.A./358/89

with

O.A./10/89

Ayub Mohmed Usmanbhai Belim,  
Near Sita Darwaja,  
Kashba Masjid,  
Dhrangadhra.

.. Applicant

(Advocate-Mr. B.B. Gogia)

Versus

1. Union of India, through  
General Manager, W.Rly.,  
Churchgate, Bombay.

2. Divisional Rly. Manager,  
W.Rly., Kothi Compound,  
Rajkot.

.. Respondents.

(Advocate-Mr. B.R. Kyada)

CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman

Hon'ble Mr. P.M. Joshi .. Judicial Member

O R A L - O R D E R

18.07.1989

Per : Hon'ble Mr. P.M. Joshi .. Judicial Member

The petitioner Shri Ayub Mohmed Usmanbhai Belim<sup>(29)</sup> of Dhrangadhra has filed this application under section 19 of the Administrative Tribunals Act, 1985. He has challenged the validity of the order dated 24/25-3-1988 (Annexure A-9) whereby his request for employment on compassionate ground has been rejected. According to the petitioner, he was entitled for consideration for employment on compassionate grounds under the relevant rules.

2. When the matter came up for admission, we have heard Mr. B.B. Gogia, the learned counsel for the petitioner at a considerable length. While relying on the instructions contained in Annexures A-12 and A-13 dated 22.6.1978 and 29.8.1981 respectively, it was vehemently contended by Mr. Gogia that in the case of <sup>a</sup>ward, who becomes major, 5 years has been considered as eligible time allowed for

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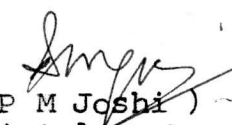
consideration and the railway authority has opened the cases of such persons even by passing such instruction. It was therefore, urged by Mr. Gogia that the case of the petitioner deserves consideration and the application be admitted, and the delay, if any in filing the application, be condoned.

3. At the outset, it may be stated that Smt. Banu Ismail <sup>widow</sup> of deceased employee Usman Umar (died on 7.10.1967) did apply for such employment in the year 1967 and her request was rejected by the orders dated 5.2.1977 (Annexure A-1). The said order was not challenged by the widow of the deceased <sup>she applied on behalf of</sup> Usman Umar. However, again <sup>the present petitioner</sup> for such employment vide <sup>her</sup> application dated 30.8.1979, It is conceded that <sup>her</sup> request also was considered but rejected on 17.11.1979 (Annexure A-3).

4. It is pertinent to note that the petitioner was informed under the said order dated 17.11.1979 that his request has been rejected and no further correspondence will be entertained in this connection. It seems that the petitioner again applied on 7.12.1979 and the same was similarly rejected vide letter dated 18.12.1979. It is <sup>nearly</sup> after a decade the present petitioner again seems to have made representation with the result, the impugned order was passed. As a matter of fact, the grievance of the petitioner arose long back in the year 1979 when his ~~fix~~ request for employment on compassionate ground was rejected. It is significant to note that

repeated requests would not keep the cause alive. Thus obviously, the cause is clearly barred by limitation and the application cannot be entertained. Even otherwise on merit, there is hardly any point which requires consideration. The application, therefore, rejected at the stage of admission under section 19(3) of the Administrative Tribunals Act, 1985, M.A./358/89, also stands disposed of.

  
( P H Trivedi )  
Vice Chairman

  
( P M Joshi )  
Judicial Member

\*Mogera