

O.A. No. / 543/93  
T.A. No.

<u>Mohamadbbhai Alibhai Ajmeri</u>	Petitioner
<u>Mr.H.D.Mirani</u>	Advocate for the Petitioner(s)
<b>Versus</b>	
<u>Union of India &amp; others</u>	Respondent
	Advocate for the Respondent(s)

1. Whether Reporters of local papers may be allowed to see the Judgement ? ✓
2. To be referred to the Reporter or not ? ✕
3. Whether their Lordships wish to see the fair copy of the Judgement ? ✕
4. Whether it needs to be circulated to other Benches of the Tribunal ? ✕

Mahamadbbhai Alibhai Ajmeri,  
Aged 41, Religion : Muslim,  
Sarapdad,  
Taluka-Paddhari,  
District:- Rajkot,  
GUJARAT

: APPLICANT

Advocate : Mr.H.D.Mirani

versus

1.  
Union of India, western railway,  
through: General Manager,  
Western Railway,  
Churchgate,  
Bombay

2.  
Divisional Railway Manager,  
Rajkot Division,  
Western Railway,  
Kothi Compound,  
Rajkot

: RESPONDENTS

ORAL JUDGEMENT

O.A./543/93

Date: 04/10/1993

Per : Hon'ble Shri R.C.Bhatt  
Member (J)

Mr.H.D.Mirani, learned advocate for  
the applicant.

2. This application is filed by one  
Mahamadbbhai Alibhai against the railway for getting an  
appointment on compassionate ground. It is mentioned in  
the application that his father late Alibhai died in harness  
on 24/2/1963, when he was on duty at Dwarka station as  
Pointsman. It is alleged that thereafter this applicant  
as heir of the deceased made an application in the year

1979 for getting appointment on compassionate ground, but no reply was given by the Railway. It is alleged in the application that due to heavy flood in 1979 at Morbi, the correspondence regarding the above application has been swept away in the flood. Thereafter, as late as on 01/03/1992 and on 03/08/1992, he made applications to the respondents for compassionate appointment. The first question arises in this application about jurisdiction of this Tribunal and then the question of limitation also, because any cause of action arisen 3 years prior to the date of coming into operation of Central Administrative Tribunals Act. This Tribunal cannot consider it and cannot entertain such application. Further more, there is inordinate delay in filing this application and in our opinion, the applicant was negligent in not making an application for compassionate appointment from 1979 onwards till March 1992. Hence, on both points, the application has to be dismissed as not maintainable and also barred by limitation. Hence, the application is summarily rejected.

*M.R.K. Kolhatkar*

( M.R. KOLHATKAR )  
Admn. Member  
Date: 04/10/93

*R.C. Bhatt*

( R.C. BHATT )  
Judicial Member  
Date: 04/10/93