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4/8 R. B. Mohapatra
N.R. ~~6/8~~ *Rodray*

CAT / J / II

(A)
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH, CUTTACK

O.A./T.A./B.A.No. 540199 6

Raghunath SethiApplicant (s)

Versus
Union of India & orsRespondent (s)

Sr. No	Date	Order with Signature
	25.7.96	<p style="text-align: center;">REGISTER</p> <p style="text-align: right;"><i>[Signature]</i> Registrar</p> <p>1. P.O. for Rs 50/- has been filed.</p> <p><i>[Signature]</i> 25/7/96</p>
1	26.7.96	<p>Adjourned to 22.8.1996 at the request of Shri S. Sarkar on behalf of Shri R.B. Mohapatra.</p> <p style="text-align: center;"><i>Chausimha</i> MEMBER (ADMINISTRATIVE)</p> <p>For Regn Pl.</p> <p><i>[Signature]</i> 25/7/96</p>
2	22.8.96	<p>Heard Shri R.B. Mohapatra, learned counsel for the petitioner and Shri Ashok Mishra, learned counsel (Senior Panel) for the Central Government. In this application the applicant prays for a direction to quash Annexure-A/8 dated 9.5.1996. In this letter the Central Rice Research Institute, Cuttack informed the applicant that they had communicated their decision vide letter No.3226 dated 12.5.1988. This is enclosed to this application as Annexure-A/5. By that letter the CRRI informed that after lapse of 15 years, the applicant's request for compassionate appointment cannot be acceded to. Late Giridhari Sethi, who worked as Mali (Class-IV employee) died on 11.8.1972 leaving behind his widow and a son who was two and half years old.</p> <p>...</p> <p>For Adm. Pl.</p> <p><i>[Signature]</i> 25/7/96</p> <p>Bench</p> <p>For Amicus</p> <p><i>[Signature]</i> 25/7/96</p> <p>Bench</p>

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C.A. 540/96

(2)

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Serial No. of Order	Date of Order	Order with Signature
..1	22.8.96	<p>It is stated that the widow did not know about the rules and therefore had not applied by that time. She waited for her son to attain majority. The applicant obtained the Caste Certificate from Tahasildar as per Annexure-A/3 dated 21.1.1992. There was a representation on 18.12.1987 (Annexure-A/4). There was no response to this representation. There was a further representation on 27.3.1988. This was rejected by Annexure-5 dated 12th May, 1988.</p> <p>I have given my anxious consideration to the arguments advanced by the learned counsel for the applicant Shri R.B. Mohapatra, who stated that the lady was not familiar with the rules governing compassionate appointment and he alleged that the office was also not helpful to hear this case.</p> <p>It is now decided that a case for compassionate appointment should be considered immediately after the death of the deceased. If indigence of the family is established, then succour must be immediate. This is a case which is two and half decades old. On that count alone the claim for compassionate appointment has been rightly rejected. Secondly Annexure-5 is the official rejection dated 12.5.1988 for a case of compassionate appointment to the son of deceased Giridhari Sethi. The cause of action arose on 12.5.1988. There was no need to make further representation and this later representation has not in any way effectively advanced the available remedy. The application suffers from laches and is hit the limitation provisions under Section 21 of the C.A.T. Act, 1985. It is dismissed in limine.</p>

Handwritten signature
MEMBER (ADMINISTRATIVE)

Order no. 2,
Dt. 22.8.96

A copy of Order
may be given to
both counsels.

for
22/8/96

for
22/8/96
C.O.

A copy of Order
dt. 22.8.96
along with the
notice may be sent
to all O.P. by Regd.
Post/A.S.

for
23/8/96

for
S.O. 96

Received Copy
of order dt.
22.8.96
on behalf of
the Administrative
Council
for P.W. A.C.
30/8/96