

276

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Date of Order : 21.12.95

O.A. No. : 515/95

Sukh Ram

.. Applicant.

Vs.

Union of India & Ors.

.. Respondents.

Mr. J.K. Mishra, Counsel for the Applicant.

CORAM :

Hon'ble Ms. Usha Sen, Administrative Member.

BY THE COURT :

The applicant is the son of late Shri Lalla who died on 12.11.1969 while working as Safaiwala in the Northern Railway, Jodhpur. He is aggrieved by the rejection of the request for compassionate appointment to him vide a letter dated 9.10.1993 at Annexure A/1. He has sought the relief in this O.A. for a direction to the respondents to consider his appointment on compassionate grounds.

2. The applicant claims that he was 7 years' old at the time of the death of his father. On attaining the age of majority, he submitted an application in 1981 for compassionate appointment. Thereafter, he kept on serving reminders but received no reply in writing from the respondents. A final representation was ^{made} ~~filed~~

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by the mother of the applicant on 13.12.1993 (Annexure A/3). This was replied by the respondents vide the letter dated 29.10.1993 at Annexure A/1 in which it has been stated that as per the details of the family given to the respondents, the age of the son of late Shri Lalla was 17 years at the time of his death since late Shri Lalla died about 24 years back and the age of the son is about 40 years now, the case cannot be considered for compassionate appointment because according to the rules, the application should have been made within five years from the date of death of the concerned Government employee or within six months from the date the first child attains the age of eighteen. On these grounds, the respondents have rejected the representation of the mother of the applicant for compassionate appointment of the applicant.

3. It is seen that though the representation was rejected by the letter dated 29.10.1993 at Annexure A/1, this O.A. has been filed on 10.10.1995 i.e. about two years after the rejection of the representation. The applicant has filed a Misc. Application requesting for condonation of delay. In this application, he has merely stated that the order dated 29.10.1993 is not a final order and so the application should be treated as within limitation.

4. I have perused the record, I cannot agree with the contention of the applicant that the order dated 29.10.1993 at Annexure A/1 rejecting the representation is not a final order. The Hon'ble Supreme Court has held in the case of Rattan Chandra Samanta Vs. Union of India (1994 (26) ATC 228) " Delay itself deprives

a person of his remedy available in law. In absence of any fresh cause of action or any legislation a person who has lost his remedy by lapse of time loses his right as well".

5. The application should have been filed within one year from 29.10.1993 i.e. the date of rejection of the said representation. The case is, thus, barred by limitation and I find no reason to condone the delay. The O.A. is dismissed at the stage of admission accordingly.

Usha Sen
(USHA SEN)
MEMBER (A)