

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

.....
Date of Order : 6th March, 2002.

Original Application No. 21/2002

Hem Prakash S/o Shri Shiv Ratan, by Caste Soni Resident of City Kotwali, Bikaner, presently applicant is not in service.

.....Applicant.

VERSUS

1. Union of India through General Manager, Western Railway, Church Gate, Bombay.
2. Divisional Railway Manager, Western Railway, Ajmer.
3. Assistant Engineer, Western Railway, Power House Nagar, Ajmer.

.....Respondents

CO-CAM :

HON'BLE MR. JUSTICE O.P.GARG, VICE CHAIRMAN

HON'BLE MR. A.P.NAGRATH, ADMINISTRATIVE MEMBER

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Present :

Mr. Vijay Jain, Advocate, is present on behalf of applicant.

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O R D E R

(Per Hon'ble Mr.Justice O.P.Garg)

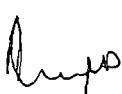
Heard Shri Vijay Jain, learned counsel for the applicant.

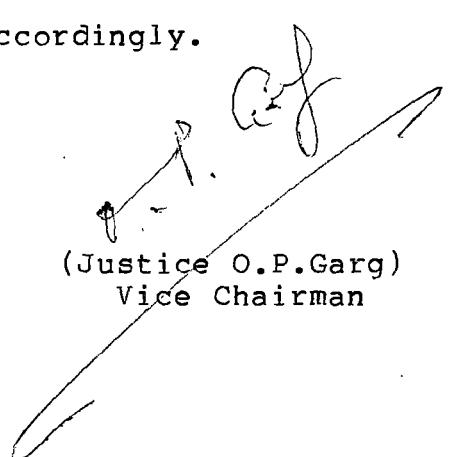
2. The father of the applicant died in harness in the year 1973 and at that time, it is stated that the



applicant was minor. After attaining the majority, he applied for appointment on compassionate ground in the year 1990. The grievance of the applicant is that during the last one decade, the respondents has taken no action in the matter. Be that as it may, the fact remains that the applicant has approached this Tribunal after expiry of about eleven years of making the application for compassionate appointment. Shri Jain, pointed out that the applicant has been making successive representations but, they did not evoke any response. It is a well settled proposition of law that successive fruitless representations do not have the effect of condoning the delay. With reference to the provisions of Section 21 of the Administrative Tribunals Act, 1985, the legal position has been reiterated by the various Benches of this Tribunal in Dev Raj Vs. UOI reported in (1987) 2 ATC 189; Ganpat Dashrath Sarate Vs. UOI reported in (1986) 1 ATC 521, Satyabir Singh Vs. UOI reported in (1987) 3 ATC 924 and V.S. Raghavan Vs. Secy. to the Ministry of Defence reported in (1987) 3 ATC 602, as well as by the Hon'ble Apex Court in the case of S.S.Rathore. Since the application is hopelessly barred by time, we dismiss the same in limine.

3. The O.A. stands disposed of accordingly.


(A.P.Nagrath)
Adm.Member


(Justice O.P.Garg)
Vice Chairman

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power sent to RSP no 1 to 3
order no 139 to 141 d/s 08-3-2002

AP file no 1 to 3
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Part II and III destroyed
in my presence on 17-3-07
under the supervision of
Section Officer 141 as per
order dated 17-3-2007

Section Officer (Record)

Recd. (Off)

8/3.