

CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

O.A. No. 290/00053/14

Jodhpur this the 5th May, 2016.

CORAM

Hon'ble Ms Praveen Mahajan, Administrative Member

Mahesh Kumar Purohit S/o Late Shri B.L. Purohit, by caste Brahmin, Aged about 42 years, R/o Nathaniyo Ki Saray, Rango ki Gali No. 2, Bikaner (Rajasthan).

.....Applicant

(By advocate : Mr Nitin Trivedi)

Versus

1. Union of India through the Secretary, Central Board of Direct Taxes (Revenue Department), Finance Ministry, Govt. of India, 457, Samrat Hotel, Chanakya Puri, New Delhi.
2. Chief Commissioner of Income Tax (Cadre Controlling) Officer, Central Revenue Building, Bhagwan Dass Road, Jaipur.
3. Deputy Commissioner of Income Tax, Office of Chief Commissioner of Income Tax (Cadre Controlling) Officer, Central Revenue Building, Bhagwan Dass Road, Jaipur..

(By Advocate : Sunil Bhandari)

.....Respondents

ORDER

The present application has been filed u/s 19 of Administrative Tribunals Act, 1985, challenging the order dated 30.09.2013 (Annex. A/1)

whereby the claim of the applicant for compassionate appointment has been informed to be rejected.

2. The necessary facts, in brief, are that the father of the applicant late Shri B.L. Purohit was initially appointed as Class IV employee in the Income Tax Department at Bikaner. He expired on 26.08.1995 during his service period. The applicant has claimed that the applicant filed an application seeking compassionate appointment before the concerned department which was not considered at initial stage and thereafter due to expiry of three years, his case was not considered in terms of OM dated 05.05.2003 issued by DoPT. The applicant has got qualification of M.Com and eligibility for appointment on the post of Tax Assistant. No reasons for non-consideration of the case of the applicant have been provided. However, respondent No. 03 verbally told the applicant that his father submitted his resignation on 22.12.1981 due to his mental disease and therefore, his case cannot be considered. Further, the respondents did not provide the applicant requisite information under RTI Act, 2005 sought by him stating the record is 20 years old, which is not available. The respondents vide letter dated 30.09.2013 informed the rejection of the claim to the applicant. Aggrieved by the letter dated 30.09.2013 (Annex A/1), the applicant has filed the present OA for quashing the same and other consequential relief(s).

3. The respondents in their reply, while disputing the facts averred by the applicant have inter-alia stated that father of the applicant resigned

22.12.1981. The application of the applicant's father was accepted by the inspecting Assistant Commissioner of Income Tax, Bikaner Range, Bikaner vide order dated 27.11.1982. Since, the record of the applicant's father was quite old and relating back to more than 30 years, the same could not be located and found out easily. However, the respondents have placed on record application dated 22.12.1981 (Annex. R/1) and copy of order dated 27.11.1982 (Annex. R/2).

4. Heard both the counsels and perused the record.
5. The application filed by the applicant is hopelessly time barred as actual cause of action for compassionate appointment arose immediately after the death of the applicant's father i.e. on 26.08.1995 as per his own averments though pleadings. Moreover, the respondents have placed on record the application filed by the father of the applicant on 22.12.1981 (Annex. R/1) and acceptance of the same w.e.f. 22.12.1981 vide order dated 27.11.1982 (Annex. A/2), which leave no doubt that the applicant is not at all eligible for compassionate appointment.
6. The OA fails on count of limitation being hopelessly belated, as well as, on merit. Therefore, I am not inclined to interfere with Annex. A/1 dated 30.09.2013. The OA is, thus, dismissed with not order as to costs.


 [Praveen Mahajan]
 Administrative Member