

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. D.A.1103 of 1997

Present : Hon'ble Mr.D.Purkayastha, Judicial Member.

SMT.GANGA RANI MONDAL & ANOTHER

... Applicants

Vs.

1. Union of India through the General Manager, S.E.Railway, Garden Reach, Calcutta-43.
2. Sr.Divisional Personnel Officer, S.E.Railway, Kharagpur.
3. Divisional Railway Manager, S.E. Railway, Kharagpur.
4. The Permanent Way Inspector, S.E.Railway, Kharagpur.

... Respondents

For the applicants : Mr.A.Chakraborty, counsel.

For the respondents: Mr.P.Chatterjee, counsel.

Heard on : 30.4.1998

Order on : 30.4.1998

ORDER

Heard 1st.counsel, Mr.A.Chakraborty, over an application filed by Smt.Ganga Rani Mondal and Shri Ranjan Kumar Mondal, who are the widow and son of the deceased employee, Late Manu, Ex-Gangman under PWI, Kharagpur, ^{deceased}, praying for a direction upon the respondents to consider the case of appointment on compassionate ground of applicant no.2, since the railway employee died in harness in 1975.

2. It is stated by the applicants that at the time of death of the railway employee, applicant no.2 who is his 3rd son, was a minor, and after attaining majority, he applied for compassionate appointment, but that was rejected

by the authority by a letter dated 15.3.1993 (annexure 'A' to the application). Being aggrieved by the said order of rejection the applicants have filed this case before the Tribunal.

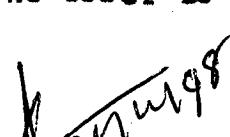
3. The respondents have not filed any reply in this case but ld.counsel Mr.P.Chatterjee, appearing on behalf of the respondents, submits that on the face of the application the same is not maintainable and is barred by the law of limitation.

4. Ld.counsel for the applicants draws my attention to the letter dated 15.3.1993 at annexure 'A' to the application and submits that the representation of applicant no.2 was not duly considered by the respondents. Thereby, this application should be allowed with a direction upon the respondents to consider the case of the applicant no.2 afresh.

5. Ld.counsel for the respondents submits that the impugned order itself shows that the representation of applicant no.2 was considered and it was found barred by limitation in terms of extant rules contained in Estt.Sl. No.106/85. He further submits that the order of rejection was issued on 15.3.1993 and the applicants have filed this application before the Tribunal on 22.9.1997. Hence the application should be dismissed on the ground of limitation itself.

6. I have considered the submissions of the ld.counsel for both the parties and I find that the application is hopelessly barred by limitation. The applicants in their application did not explain the reasons as to why they could not approach this Tribunal soon after the rejection of the prayer of compassionate appointment of applicant no.2 vide the letter dated 15.3.1993 and ~~have~~ remained silent for this long period. In view of the aforesaid circumstances, I am of the considered view that this application is hopelessly barred by limitation as also laches on the part of the applicants to approach this Tribunal for granting appropriate relief within time.

7. The application is dismissed having no merit. No order is made as to costs.


(D.Purkayastha)
Judicial Member