

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH.

No. O.A. 224 of 1997.

Present : Hon'ble Dr. B.C.Sarma, Member (A)

Hon'ble Mr. D. Purkayastha, Member (J)

1. SMT. LALO DEVI ;

2. Ramji Mondal .

Vs.

1. Union of India, through the General Manager, E. Railway, 17, N.S.Road, Fairlie Place, Calcutta - 1.

2. The Divisional Railway Manager, Asansol Division, E. Railway, Burdwan.

3. The Senior Divisional Personnel Officer, Asansol Division, E. Railway.

4. The Chairman, Railway Board, Min. of Railways, Govt. of India, New Delhi.

For applicants : Mr. K. Chakraborty, Counsel.

For respondents : Ms. V. Sangal, Counsel.

Heard on : 25.4.97 :: Ordered on : 25.4.97.

O R D E R

B.C.Sarma, AM

The dispute raised in this application is about the grant of compassionate appointment to the applicant No.2, who is the son of the deceased railway employee. The said railway employee died in harness on 5.6.71. At that time the applicant No.2 was a baby of one month old. The applicant No.2 attained majority in 1989 and, thereafter, on 17.11.89 he filed a representation for grant of compassionate appointment and that was followed by other representations, but the respondents did not give any reply to the said representations. Being aggrieved thereby, the instant application has been filed with the prayer that a direction be issued on the respondents to give appointment to the applicant No.2 on compassionate ground.

2. When the admission hearing of the matter was taken up today, Ms. U.Sanyal, ld. counsel for the respondents, strongly opposed the application on the ground that in this case death of the ex-railway employee took place as early as in 1971 and the family has carried on without any compassionate appointment till this date of hearing. So, the urgency of grant of compassionate appointment is not there. She, therefore, prays for dismissal of the applicant since it lacks merit.

3. We have heard the ld. counsel for both the parties, perused records and considered the facts and circumstances of the case. The Hon'ble Apex Court in a series of recent judgements has clearly laid down the principle regarding grant of compassionate appointment and observed that it is an extraordinary appointment since such appointment is given in relaxation of recruitment rules. In the case of Jagdish Prasad Vs. State of Bihar, reported in 1996(1) SCSLJ 93, Hon'ble Apex Court held - applicant was four years' old when his father died in harness and, therefore, he is not entitled to any employment assistance at such a distant date. In the case of U.O.I. & Ors. Vs. Bhagwan Singh, reported in 1996(6) SCC 476, the Hon'ble Apex court also held that railway servant dying and leaving behind his widow, two major sons and one minor sons (age 12 years) and the application was filed by the last mentioned son beyond five years from the event and beyond one year from the date of attaining the majority and hence, the petition is patently barred. Relying on the said two judgements and since in this case death took place more than 26 years ago and since the applicants had filed this application about three years after he had attained majority, ^{we hold that} the case is not only barred by limitation but also it does not have any merit.

4. In view of the above, the application is dismissed at the stage of admission hearing itself summarily since it is devoid of merit and also barred by limitation. No order is passed as regards costs.

W. J.

[Signature]