

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

No.OA 230 of 97

Present : Hon'ble Dr.B.C.Sarma, Administrative Member

Hon'ble Mr.D.Purkayastha, Judicial Member

SMT. SUSHILA MAL & ANR.

VS

UNION OF INDIA & ORS.

For the applicant : Mr.A.K.Banerjee, counsel

Mr.S.Mahapatra, counsel

For the respondents: Ms.B.Ray, counsel

Heard on : 22.4.97

Order on : 22.4.97

O R D E R

B.C.Sarma, A.M.

This is an application filed by applicant No.1 who is the widow of the deceased Railway employee and applicant No.2 who is the eldest son of the employee. The ex-Railway employee had died in harness on 22.9.77 leaving behind the applicant No.1 and two minor sons including the applicant No.2. The applicant had prayed to the Railway authorities and the Respondent authorities have denied ^{employment} assistance on compassionate ground in their letter dated 6.9.96 Annexure 'B' to the application. Being aggrieved thereby, the instant application has been filed for a direction on the respondents to give compassionate appointment to applicant No.2.

2. When the matter is taken up for admission hearing today Ms.B.Ray, counsel appears for the respondents and strongly opposes the case. She submits that ~~this~~ ^{is} is a case of compassionate appointment where the Hon'ble Apex Court in 1996 (1) SCSLJ has ordered that no appointment will be given in such cases which have been filed long

after the attainment of the majority ^{by} of the applicant's son.

3. We have heard the counsel for both the parties and perused the records and considered the facts and circumstances of the case. Mr. Banerjee counsel for the applicants submits that in this case a reply was received by the applicants only in 1996 and therefore, the application is not barred by limitation. We are, however, not satisfied by the submission of Mr. Banerjee. The cause of action arose when the applicant No.2 attained the majority in 1981. There is no document produced before us to show when the applicants made representations to the Railway Authorities for compassionate appointment. In their reply, the respondents have categorically contended that no such representation had been made. The applicants have also not filed any copy of representation made by them. This application has been filed on 7.2.97, 20 years after the death of the Railway employee and 16 years after the attaining of majority by applicant No.2. We are, therefore, of the view that on the basis of the judgment of Hon'ble Apex Court the application is liable to be dismissed in limini. In view of the above the application is dismissed in limini at the stage of admission hearing itself without any order as to costs.



MEMBER (J)



MEMBER (A)