

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.467/2002.

Wednesday this the 3rd day of July 2002:

CORAM:

HON'BLE MR. T. N. T. NAYAR, ADMINISTRATIVE MEMBER

1. Leelabhai, W/o Kunjan,
Tharattayil Puthen Veedu,
Kachani, Karakulam P.O.

2. K.L.Satheesh Kumar, S/o Kunjan,
Tharattayil Puthen Veedu,
Kachani, Karakulam P.O.

3. K.L.Anithakumari, D/o Kunjan.
Tharattayil Puthen Veedu,
Kachani, Karakulam P.O. Applicants

(By Advocate Shri Vishnu S.Chempazhanthiyil)

vs.

1. Superintendent, Postal Stores Depot,
Thiruvananthapuram.
 2. Circle Relaxation Committee for
Compassionate appointment, rep. by the
Chief Postmaster General, Office of the
Chief Postmaster General,
Thiruvananthapuram.
 3. Union of India, rep. by its Secretary,
Ministry of Communications, New Delhi.
 4. Secretary, Social Justice & Employment,
Government of India,
New Delhi. Respondents

(By Advocate Shri C.Rajendran, SCGSC)

The application having been heard on 3rd July, 2002
the Tribunal on the same day delivered the following:

OR D E R

HON'BLE MR.T.N.T.NAYAR, ADMINISTRATIVE MEMBER

The issue that arises for consideration in this O.A. is denial of compassionate appointment to the third applicant Miss K.L.Anithakumari, the daughter of the late Kunjan who died on 8.5.1998, more than a year after he retired on medical invalidation at the age of 58. The applicant's request for

compassionate appointment was considered and rejected by the Circle Relaxation Committee headed by the Chief Post Master General, (CPMG for short) Kerala Circle, Trivandrum. By Annexure A-2 communication dated 2.7.99, the applicant was informed that, her representation dated 30.7.98 for reconsideration of her request for employment could not be acceded to in relaxation of normal Recruitment Rules. It would appear that the applicant thereupon made a representation to the 4th respondent pointing out her problems and requesting him to redress her grievance issuing necessary instructions to the Chief Postmaster General, Kerala Circle, Trivandrum to re-examine her case. Apparently, no action was taken thereon. By Annexure A-5 representation addressed to the 3rd respondent the applicant claims to have made a further request for re-examination of her request at the appropriate level and pass favourable orders in the matter of compassionate appointment.

2. When the matter came up for admission Shri C.Rajendran, Senior Central Government Standing Counsel took notice for the respondents. Shri Vishnu S.Chempazhanthiyil, has appeared for the applicant.

3. I have heard the learned counsel on both sides. It would appear that the applicant's case for compassionate appointment was considered and it had been decided that her request could not be acceded to. It would also appear that by annexure A-2 communication dated 2.7.1999, the first respondent informed the applicant that the CPMG, Kerala Circle did not find it feasible to reconsider the earlier decision of the Circle Relaxation

G.

Committee turning down the applicant's request for compassionate appointment. The applicant's letter Annexure A-4 addressed to the 4th respondent, viz., Secretary, Department of Social Justice and Employment is dated 25.2.2000. As no reply was received from the said authority, the applicant ought to have approached this Tribunal within the time permitted under Section 21 of Administrative Tribunals, Act 1985. Instead, the applicant is seen to have approached the 3rd respondent with another unsuccessful representation dated 28.12.2000 (A5). This application is therefore, found to be barred by limitation and hence there is no legal scope for considering the same. The application is liable to be rejected.

4. Accordingly, the Original Application is dismissed under section 19(3) of the Administrative Tribunal Act, 1985.

Dated the 3rd July 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER

rv

APPENDIX

Applicants Annexures :

1. A-1 : True copy of letter No.B2/PF/II/11 dtd.4.3.97 of the 1st respondent.
2. A-2 : True copy of order No.B/2/PF/38 dtd. 2.7.99 of the 1st respondent.
3. A-3 : True photocopy of page 1 of SSLC of the 3rd applicant.
4. A-4 : True copy of the representation dtd.25.2.2000 to the 4th respondent.
5. A-5 : True copy of the representation dtd.28.12.2000 to the 3rd respondent.
6. A-6 : True copy of O.M.No.4014/6/94-Estt.(D) dated 9.10.98 issued by the Govt. of India, Dept. of Per.&Trg. (relevant portion).

Opp
8.7.02