

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.No.6/10

Monday this the 23rd day of May 2011

C O R A M :

**HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

K.B.Prahalad,
S/o.late K.A.Budhakumar,
Kunnath House, Kundannur P.O.,
Via Wadakkanchery, Thrissur.

...Applicant

(By Advocate Mr.Ravi.K.Pariyarath)

V e r s u s

1. Union of India represented by the General Manager,
Southern Railway, Palakkad Division,
Park Town, Chennai.
2. The Divisional Personnel Officer,
Southern Railway, Palakkad Division,
Palakkad.

...Respondents

(By Advocate Mr.K.M.Anthru)

This application having been heard on 23rd May 2011 this Tribunal on the same day delivered the following :-

ORDER

HON'BLE Mr.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

The claim raised in this Original Application is for compassionate appointment. The applicant is the son of one Shri.K.A.Budhakumar, a Railway employee, who died on 27.10.1997 while in service as Superintendent TPO/Tele Communication of the Southern Railway, Palakkad Division. Earlier the applicant approached this Tribunal by filing O.A.780/01 for the same relief which was, however, dismissed by this Tribunal by order dated 17.1.2002. Thereafter, the same order was

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challenged before the Hon'ble High Court by filing W.P.C as O.P.7936/02. The Hon'ble High Court disposed of the WPC directing the respondents to examine the case of the applicant. Accordingly, the respondents considered the application and disposed of the same by order dated 20.5.2005 holding that the applicant has no rightful claim.

2. Challenging the said order (produced as Annexure A-6 in the present O.A), the present O.A is filed. The applicant has chosen to file the present application with more than five years after the impugned order was passed. As such the application is barred by limitation. We have gone through the averments made in the Misc. Application seeking condonation of delay. It is stated that the order was passed by the respondents pursuant to the Hon'ble High Court's direction as early as on 20.5.2005. It is further stated that the applicant could not know about the dismissal of his plea and he came to know the same only when the counter affidavit was filed. As a matter of fact the applicant himself has filed Annexure A-6 along with this O.A. In the reply to the condonation application it is stated that there is no merit in the contentions raised.

3. We find that the WPC itself was disposed of in March 2005 as evidenced by the order produced in the present O.A as Annexure A-2 whereas Annexure A-6 was passed only on 20.5.2005 ie. within two months after the disposal of the WPC. Therefore, it is for the applicant to explain as to how the impugned order was produced which he can establish only if he brings to the notice of this Tribunal of any proceedings pursuant to the WPC. That has not been done. Therefore, we are not



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satisfied with the explanation offered for condonation of delay. Be that it may, the claim for appointment is on compassionate ground. It has been held by the Hon'ble Apex Court on more than one occasion that this is not a source of recruitment but compassionate appointment is to be offered as an immediate relief to save the family from the hardship that may be caused owing to the sudden death of the sole bread winner. Admittedly, the Railway employee has died in 1997 and at this belated stage the question for considering the claim for compassionate appointment even on merits does not arise.

4. In the circumstances, we find no merit in this O.A and the same is dismissed accordingly.

(Dated this the 23rd day of May 2011)


K.NOORJEHAN
ADMINISTRATIVE MEMBER


JUSTICE P.R.RAMAN
JUDICIAL MEMBER

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CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

R.A.No.27/11

in

O.A.No.6/10

Wednesday this the 20th day of July, 2011

CORAM:

HON'BLE MR.JUSTICE P.R.RAMAN, JUDICIAL MEMBER

HON'BLE MRS.K.NOORJEHAN, ADMINISTRATIVE MEMBER

K.B.Prahalad,
S/o late K.A.Budhakumar,
Kunnath House,
Kundannur P.O.
Via Wadakkanchery,
Thrissur.

.. Applicant

By Advocate : Sri Ravi K. Pariyarath

vs.

1. Union of India rep. by the General Manager,
Southern Railway, Palakkad Division,
Park Town, Chennai.
 2. The Divisional Personnel Officer, Southern Railway,
Palakkad Division, Palakkad District.
- .. Respondents

ORDER

HON'BLE MR.JUSTICE P.R.RAMAN, JUDICIAL MEMBER:

We have considered the case and dismissed the same not only on the question of delay, but also on merits. No grounds. Dismissed.


(K.Noorjehan)
Administrative Member


(Justice P.R.Raman)
Judicial Member

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