

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

M.A. No. 163 of 1997 in

O.A. No. 188 of 1997.

Tuesday this the 4th day of February 1997.

CORAM:

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

K. Rajeshkumar,  
Carriage & Wagon Khalasi,  
Office of the Senior Section  
Engineer,  
Nagercoil, residing at  
Srisannidhi House,  
Edavad P.O., Chenganoor.

.. Applicant

(By Advocate Shri C.S. Ajith Prakash (represented)

Vs.

1. The General Manager,  
Southern Railway, Madras.

2. The Senior Divisional  
Personnel Officer,  
Southern Railway,  
Trivandrum.

3. The Union of India represented  
by the Chairman,  
Railway Board,  
Rail Bhavan, New Delhi.

.. Respondents

(By Advocate Shri Mathews J. Nedumpara, ACGSC)

The application having been heard on 4th February,  
1997 the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The Original Application is directed against  
a letter of the Senior Divisional Personnel Officer,  
Southern Railway, Trivandrum dated 18.3.1994 by which  
the claim of the applicant for appointment on a

Group 'C' post on compassionate grounds was rejected. He had already been appointed on a Group 'D' post on compassionate grounds. As the application is filed beyond the periods of limitation, and as there is a delay of one year, ten months and twenty seven days this miscellaneous application has been filed seeking consideration of delay. We have perused the Miscellaneous Application. The only ground stated is that on account of financial difficulties and family problems he could not seek relief earlier. What is the nature of family problems is not stated. The applicant is not an unemployed person. We do not find the reason for the delay explained in the application either genuine or sufficient to condone such long delay like this. Further on merits also the applicant do not have even a *prima facie* case. If the case has considerable merit and if non condonation of delay would result in miscarriage of justice the considerations would be different. Here that is not the case. Hence this Miscellaneous Application is dismissed.

2. As the Miscellaneous Application for condonation of delay is dismissed the Original Application is rejected.

Dated, the 4th February, 1997.

  
P.V. VENKATAKRISHNAN

ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN