

Central Administrative Tribunal, Lucknow Bench, Lucknow

Original Application No. 216/11

This the 27th day of February, 2012

Hon'ble Sri Justice Alok Kumar Singh, Member (J)

Lal Babu aged about 27 years son of late Uma Shankar resident of village and Post Malipur, District Ambedkar Nagar.

Applicant

By Advocate: Sri T.N.Yadav

Versus

1. Union of India through the General Manager, Rail Bhawan, Baroda House, New Delhi.
2. Divisional Railway Manager (Personnel), Divisional Office, Northern Railway, Lucknow.
3. Divisional Railway Manager (Electrical) Divisional Office, Northern Railway, Lucknow.
4. Section Engineer (Electrical) Northern Railway, Jaunpur.

Respondents

By Advocate: Sri Rajednra Singh for Sri Narendra Nath

ORDER (ORAL)

HON'BLE SHRI JUSTICE ALOK KUMAR SINGH, MEMBER (J)

This O.A. has been filed for quashing of the order passed in the year 2000 refusing compassionate appointment and also seeking a direction in favour of the applicant in respect of compassionate appointment.

2. According to the pleadings, applicant's father died on 26.11.99. It is not ascertainable from the pleadings of O.A. as to whether applicant's father was or not in the service at the time of his death. According to applicant, the first representation for seeking compassionate appointment was made vide representation dated 8.1.2000 but there is nothing on record to show that it was ever served upon the respondents. There appears a long gap of about 9 years. On 2.8.2010, applicant addressed a letter to the DRM which was rejected vide orders dated 16.7.2010 and 9.11.2010. Both these orders have been impugned. In these orders, it is mentioned that the case is about 10-15 years old and no record is available.

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3. From the above rejection orders, it appears that after several years of the death of his father, for the first time, an application was probably given in the year 2006 but that too is not proved. Thereafter, there was a long gap of several years. It further appears from above papers that the death took place about 10 years before but the applicant had absented himself for the last about 15 years.

4. It was also not ascertainable from record as to why and under what circumstances, no family pension was sought or granted for the last 10-15 years. Further, on the point of inordinate delay and maintainability, some better particulars were called for. But in spite of 4 or 5 opportunities, no such better particulars were filed. Instead an application for amendment has been moved today seeking to add a relief for family pension without making any pleadings in the O.A. Therefore, this amendment application is meaningless and hence rejected.

5. This O.A. is highly time barred, hazy and misconceived also. Therefore, it is dismissed. No order as to costs.

Alok Kumar Singh
Justice Alok Kumar Singh
Member (J) 27.2.12

HLS/-