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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH.

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Registration O.A. No. 339 of 1991

Ashish Srivastava Applicant.

Versus

Union of India
and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Obayya, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant's father who was working as Semi-Skilled Fitter, in the Northern Railway was died while he was in service leaving behind a widow and three sons, in the year 1975. The applicant attained the age of majority on 28.6.1983. It was thereafter, the applicant's mother sent a letter on 1.8.1983 ~~to the 1.8.1983~~ to the Chief Personal Officer, New Delhi for appointment of his son on the class-III^{on} on compassionate ground. The applicant's case was allegedly recommended by the respondent no. 1 and it was also stated that the relaxation may be granted to him as a special case. The applicant's prayer for compassionate appointment was turned down which was communicated to him on 6.3.1991. The communication has held that your case for appointment on compassionate ground has been examined by the competent authority but it is regretted to inform you that the same has not been agreed to. Thereafter, the applicant sent representation against the same and placing reliance on the Division Bench decision of this Tribunal in the case of D.C. Mishra Vs. Union of India decided on 11.6.1991. The respondents have

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stated that the two major sons of the deceased were in employment at the time of death of their father, and the enquiry revealed that they were not supporting their widow mother and younger brother though living in the same house. According to them, as the widow approached the administration for the first time in August, 1983 for appointment of her youngest sons to Class-III post on compassionate ground, i.e. after about 8 years 4 months from the date of death of his father, therefore, his case was time barred. His matter was sent to the competent authority for obtaining relaxation of five years time limit but the same was rejected by the Head Quarter office on 13.8.1986 and the widow was informed accordingly. It appears that the respondents including the Railway Board did not like to face the reality and the rule- of 5 years relaxation do not apply to those who are minor and those who can not get majority within the period of 5 years but in the case, the applicant has already attained the age of majority so rule-5 will not apply in this case. Therefore, the respondents should examine his case for appointment instead of rejecting it on the ground that it was barred to time. It is a case in which normal relaxation has been made by the respondents.

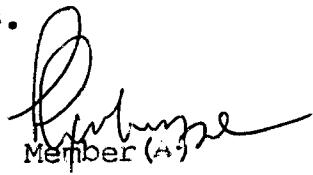
2. Accordingly, the application is allowed and the respondents are directed to consider the case of the applicant without entering into the question of limitation and in case it is found by the respondents that it is a fit case for appointment, he should be given appointment. Let a decision in this behalf be taken by the respondents within a period of three months from the date of communication of this order. The application is disposed of with the

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above observations. Parties to bear their own
costs.


Member (A)


Vice-Chairman

Dated: 16.7.1992

(n.u.)