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O.A.No.44/2006

**CENTRAL ADMINISTRATIVE TRIBUNAL**

**PATNA BENCH, PATNA**

**OA No.44 of 2006**

**[with M.A. 342/06]**

Date of order : 21st August, 2006

**C O R A M**

Hon'ble Mr. Justice P.K.Sinha, Vice-Chairman

Rajnish Kumar Raju.

.....

Applicant

Vrs.

Union of India & Ors.

.....

Respondents.

Counsel for the applicant : Shri Audhesh Kr.Mishra

Counsel for the respondents : Shri R.K.Choubey, ASC

**O R D E R [ O R A L ]**

**Justice P.K.Sinha, Vice-Chairman : -**

Heard both sides. The applicant is son of late R.A.Thakur who died while working under the respondents, in harness, on 23.3.2001 whereafter the applicant filed an application for his appointment on compassionate ground which, as is admitted position, was rejected by the Chief Postmaster

*P.K.Sinha*

General, Bihar Circle, Patna and the order was communicated through letter dated 20.8.2001 [Annexure-A/1]. This application thereafter having been filed on 17.11.2005, and being time bared, M.A. 342 of 2006 has been filed for condonation of delay, which has been taken up for consideration.

2. As per this M.A., after receipt of the rejection order aforesaid, the mother of the applicant represented to the authorities including the Ministers in the Central Govt. and others and had been waiting for a decision which when did not come forth, this application was filed by the applicant. Indeed, there are copies of such representations on the record and some are recommendatory letters issued. Annexure-A/2 was issued by the Minister of Coal and Mines, Govt. of India to the Minister in the concerned Ministry recommending the case. A Member of Parliament also wrote to the Minister of State, Communications, Govt. of India, again recommending the case.

3. Under Section 21 of the A.T. Act, within one year of the receipt of final order in a particular matter, an application can be filed in the Tribunal which is the period of limitation.

4. Obviously, the applicant or his mother, instead of coming to the Tribunal, had gone approaching the Hon'ble Ministers in the Central Govt. and Members of Parliament which, however, cannot extend the period of

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limitation as granted under Section 21 of the A.T. Act, the proceedings of this Tribunal being guided solely under the provisions of A.T. Act and the rules made thereunder.

5. However, some times the Courts/Tribunals have condoned even a long delay in filing an application/petition, if it was found that the case had some intrinsic merit which if dismissed on technical grounds, would result in miscarriage of justice. To see whether this case also comes in that category, the merits of the case may also be seen, in brief. Compassionate appointment is granted obviously to provide immediate succour to the bereaved family whose bread earner expires suddenly. It is the element of 'immediate relief' which is the guiding principle in providing appointment on compassionate ground in suitable cases. In this case, however, it appears that the O.A. has been filed more than four years after the prayer for compassionate appointment was rejected.

6. If such grossly delayed applications are considered for grant of compassionate appointment that would go against the very principles on which an appointment on compassionate ground is granted.


7. Needless to say that grant of compassionate appointment is not a legal right.

8. In that view of the matter, I find <sup>that</sup> no cogent ground has been shown in

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the M.A. to condone the delay, or the case of the applicant on merits is such which could lead this Tribunal to allow the prayer made in the M.A. M.A. 342 of 2006 is, therefore, dismissed.

9. O.A. 44 of 2006, thus, being not maintainable is also, accordingly, dismissed.

A handwritten signature in black ink, appearing to be 'P.K. Sinha', with a long horizontal line extending to the right.

[ P.K.Sinha ]VC

mps.