

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH

O.A.NO.: 389 OF 2005[Patna, this Friday, the 7th Day of April, 2006]C O R A M

HON'BLE SHRI JUSTICE P.K.SINHA, VICE-CHAIRMAN.

1. Noorzahan Khatoon, widow of Late Zaffar Ali alias Mohammad Zaffar alias Zaffar Ansari, resident of village – Jaynagra, P.S.: Nokha, District : Rohtas.
2. Akbar Ali alias Md. Akbar Ali, son of Late Md. Zaffar Ali, alias Zaffar Ansari, resident of village Jaynagara, P.S.: Nokha, District : Rohtas.

By Advocate :- Shri Janardan Singh......APPLICANT.

Vs.

1. The Union of India through the Controller of Stores, N.F.Rly., New Bongaigaon.
2. The Controller of Stores, N. F. Rly., New Bongaigaon.
3. The Assistant Controller of Stores, N. F. Rly., New Bongaigaon.

By Advocate :- Shri A. A. Khan, SC......RESPONDENTS.O R D E R [ORAL]

Justice P. K. Sinha, V.C.:- Heard learned counsel for the applicant and Shri A.A.Khan, the learned Standing Counsel for the respondents, on admission.

2. This is an application for appointment of applicant no.2 on compassionate ground. Father of the applicant had died on 10.12.1985 and in the year 1986 itself the applicant no.1, the wife of the deceased employee [dying in harness] had applied for appointment on compassionate ground to which no reply was given. Applicant no.2 was then a minor and became a major in 1999 whereafter applied for such appointment in December, 1999 but, despite reminder, did not get any reply. These facts have been admitted by

the learned counsel for the respondents.

3. If the applicant no.2 had applied for such appointment in December, 1999 then, under provision of Section 21 of the A.T.Act, after giving six months margin to the authority for recording an order thereupon, he could have filed this application within one year after the expiry of the aforesaid period of six months, if no order was passed. This way the period of limitation would ^{have} ended sometimes in June, 2001 whereas this application has been filed on 16.03.2005. Besides the ground of laches on the part of the applicants, when it was pointed out that as per Section 21 of the A.T.Act this application ^{was} time barred, the learned counsel, on going through all the related records, which he was permitted to do, submitted that any order deemed just and proper may be passed. Admitting that the application was grossly hit by limitation, it was submitted that the point of limitation should not defeat a matter like appointment on compassionate ground.

4. It may be mentioned here that earlier also this application was dismissed for default and another Misc. Application, then filed for condonation of delay, was also so dismissed, hence at present there is no prayer for condonation of delay.

5. Whether the matter relates to compassionate appointment or some other relief, when the law provides for filing of an application within a particular period, the application has to be filed within that period or would be treated as not maintainable. Also in view of the laches on the part of the applicant and the matter related to the death of the father of the applicant in the year 1985, no misplaced ^{compassionate} view may be taken in entertaining



this application.

6. Since learned counsel has urged that this Court should record an order on the application as it is, on the aforesaid grounds I do not find this application to be maintainable, which stands dismissed as such.


[P. K. Sinha]/VC

skj.