

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

(2)

O.A. NO: 622/92

199

T.A. NO: —

DATE OF DECISION 23 -7-92

Shri A.R.Mishra & Another, Bombay Petitioner

Shri S.N. Dharap Advocate for the Petitioners

Versus

Union of India through General Respondent
Manager, Central Railway, Bombay

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. T.C.Reddy, Member(J)

The Hon'ble Mr.

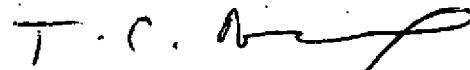
1. Whether Reporters of local papers may be allowed to see the Judgement ?

2. To be referred to the Reporter or not ?

3. Whether their Lordships wish to see the fair copy of the Judgement ?

4. Whether it needs to be circulated to other Benches of the Tribunal ?

No



(T.C.Reddy)
Member(J)

mbm

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL : BOMBAY BENCH
AT BOMBAY

Original Application No. 622/92

Shri A.R.Mishra &
another, Bombay

... APPLICANTS

Vs.

Union of India through
General Manager, Central Railway,
Bombay

... RESPONDENTS

CORAM: Hon'ble Mr. T.C.Reddy, Member (Judicial)

Appearance:

Shri S.N.Dharap, Advocate : Counsel for the applicants.

ORAL JUDGMENT
(Per: Mr. T.C.Reddy, Member (J))

DATED: 23-7-1992

This application is filed under Section 19 of the Administrative Tribunals Act to direct the respondents to appoint the first applicant in the appropriate post on compassionate grounds.

2. The facts giving rise to this O.A. in brief are as follows:

Shri Ramniranjan Mishra was working as a Fitter in LVV Shop at Matunga Workshop of the Central Railway. The said Shri Ramniranjan Mishra died in an accident on 16-2-1968 at Mulund Hospital. The second applicant is said to be wife of the said late Shri Ramniranjan Mishra and the first applicant is their son. The first applicant was aged about five years at the time of the death of his father Shri Ramniranjan Mishra. The first applicant

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contd...2.

had attained majority in the year 1981. According to the applicants, they had made representations to the Respondents ever since the death of said Shri Ramniranjan Mishra in the year 1968 to provide an appointment to the xxxxxxxx ~~xxxxxx~~ on compassionate grounds. The respondents had replied on 25-7-1991 informing that the second applicant cannot be considered for appointment on compassionate grounds as the claim had become time barred and the matter had been treated as closed. In the said letter dated 25-7-1991 informing the second applicant that her son cannot be considered for appointment, reference had been made to the applicants' representation dated 8-12-1989, to provide compassionate appointment to the first applicant. The present O.A. is filed for the relief already indicated above, in view of the reply of the respondents dated 25-7-1991 informing the second applicant that her son cannot be considered for appointment on compassionate grounds.

3. The main question that we are confronted in this O.A. is with regard to jurisdiction.

4. Admittedly, the grievance of the applicant arose in the year 1968 when the husband of the second applicant (also father of the first applicant) is said to have died in an accident while crossing the railway line. As already stated while narrating the facts, the first applicant attained majority in the year 1981. It is now well settled that this Tribunal does not have jurisdiction for entertaining any O.A. for redressal of grievance of an employee prior to 2-11-1982. In view of this position, we do not have slightest doubt to hold that this Tribunal has no jurisdiction at all to entertain this O.A. Mr. S. M. Dharap, learned counsel for the applicant vehemently contended

that there are strong grounds to condone the delay in filing this O.A. He maintained that the first applicant attained majority in the year 1981 and from then onwards representations are being made to the respondents to provide compassionate appointment to the first applicant and in view of this ~~provision~~ ^{purview}, the delay can be condoned and the O.A. can be admitted. The question of condonation of delay arises only if this Tribunal has jurisdiction to entertain this O.A. The alleged grievance as could be seen, is prior to 2-11-1982. so, for want of jurisdiction, it is not open for us to go into the merits and to give any finding on the point of limitation. Hence this O.A. is liable to be rejected ~~as~~ as this is not a fit matter for adjudication and accordingly is rejected under the provisions of Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

T. C. Reddy
(T.C. Reddy)
Member (J).