

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 265/93.

~~XXXXXXAppdxPartBXXXX~~

DATE OF DECISION: AUGUST 24, 1994.

Shri S. C. Gaikwad, Petitioner

Shri Y. R. Singh, Advocate for the Petitioners

Versus

Union Of India, Respondent

Shri S. C. Dhawan, Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri Justice M. S. Deshpande, Vice-Chairman.

~~XXXXXXShri M. S. Deshpande XXXX~~

1. To be referred to the Reporter or not ? ~
2. Whether it needs to be circulated to other Benches of the Tribunal ? ~

  
( M. S. DESHPANDE )  
VICE-CHAIRMAN.

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(6)

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. NO.: 265/93

Shri S. C. Gaikwad ... Applicant

Versus

Union Of India ... Respondents.

CORAM :

Hon'ble Shri Justice M. S. Deshpande, Vice-Chairman.

APPEARANCE :

1. Shri Y. R. Singh,  
Advocate for the applicant.
2. Shri S. C. Dhawan,  
Advocate for the respondents.

ORAL JUDGEMENT : DATED : 24.08.1994.

{ Per. Shri M. S. Deshpande, Vice-Chairman }.

1. Two points arise in the present applicantion. One is whether the delay in filing the present application should be condoned, as sought by M.P. No. 243/93 and as to whether the applicant's prayer for compassionate appointment should have been granted by the respondents.

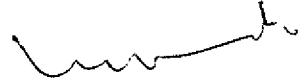
2. The applicant's father died on 25.12.1975 when the applicant was only about six years old, his date of birth being 13.08.1969. He attained majority on 13.08.1987 and made an application on 21.03.1988 for a compassionate appointment. His mother also made an application on 01.02.1987 for considering her case for employment on compassionate ground. The mother's claim

is not being pressed by this application. The applicant's grievance is that there was no answer to his applications for compassionate appointment. The present application was filed on 22.03.1993.

3. The respondents contention is that, no such application had been received. There is nothing on record, except the averment put forth that such an application for compassionate appointment has been made. Shri Y.R. Singh requests for an adjournment because his client had a copy of the application which contained an acknowledgement and he produced a xerox copy at this stage. It is difficult to proceed on the basis of the xerox copy which has been produced at this stage. Proper copy should have been presented alongwith the application so that the respondents could have given their reply on this point. I am therefore not inclined to place any reliance on the xerox copy at this belated stage.

3. With regard to the application for condonation of delay, it is apparent that the delay in filing the present application is of nearly four years. The ground given for condoning the delay is ignorance and poverty. It is difficult to accept this submission because according to the application,   an application has been made by the applicant's mother on 01.02.1982 and this <sup>gives</sup> becomes a lie to the version given by the applicant that the application could not be filed earlier because of poverty and ignorance.

The delay cannot therefore be condoned. The application for condonation of delay vide M.P. No. 243 of 1993 is rejected and the O.A. is dismissed as barred by time.

  
( M. S. DESHPANDE )  
VICE-CHAIRMAN.

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