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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
CIRCUIT SITTING AT NAGPUR.

O.A.NO. 824/93  
TR.A.NO.

199

DATE OF DECISION 28.4.1994

Shri S.N.Vyawahare

Applicant(s)

Versus

Chief General Manager, Mah. Telecommunication Respondent(s)  
Circle, Bombay & Ors.

1. Whether it be referred to the Reporter or not ? *m*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *m*

MEMBER

  
(M.S. DESHPANDE)

VICE CHAIRMAN

mbm

(24)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

CAMP : NAGPUR

OA.NO. 824/93

Shri Sanjay Narayanrao Vyawahare)

... Applicant

V/S.

Chief General Manager,  
Maharashtra Telecommunication Circle,  
Bombay & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande

Appearance

Mrs.V.A.Naik  
Advocate  
for the Applicant

Shri M.G.Bhangade  
Advocate  
for the Respondents

ORAL JUDGEMENT

Dated: 28.4.1994

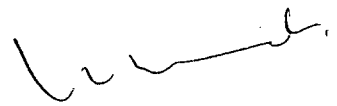
(PER: M.S.Deshpande, Vice Chairman)

The facts are eloquent. The applicant's father died on 17.4.1975 due to fall from<sup>a</sup> telephone pole while on duty. The applicant who is his son was 9 years old at that time and there were three members in the family including himself, mother and younger sister. The applicant's mother was offered a job but she did not accept it. On 10.12.1984 the applicant made an application for compassionate appointment and that application was rejected on 19.7.1985 as time barred. Some representations were made on the basis of that representation but the matter was not pursued and no proceedings were filed in the appropriate forum for redressal. Instead a fresh application was made on 30.12.1991. On 27.3.1992 the Respondent No. 3 asked the applicant if he was ready to accept appointment in Bhandara Division if the High Power Committee approved his appointment. The applicant conveyed

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his willingness. Certain forms were sent to the applicant and he submitted those forms to the department. Ultimately, on 19.4.1993 an order was passed by the respondents that his case had been considered by the High Power Committee of the Circle and it had decided to reject his request for giving appointment on compassionate ground as it was a belated request and the decision already conveyed to him holds good.

2. The submission of Mrs. Naik, learned counsel for the applicant was that the question of limitation cannot be raised since the applicant had already made an application and it came to be rejected on 19.7.1985. It may be noted that that rejection was not challenged by <sup>taking</sup> proceedings at that time and so far <sup>as</sup> the orders were passed at that time were concerned, the matter had concluded. The applicant started a fresh round by filing a fresh application on 30.12.1991. The correspondence only shows that the offer was made to the applicant for an alternative employment subject to the approval of High Power Committee. Ultimately, the High Power Committee thought since the request was belated, the appointment could not be granted. I see no error or arbitrariness in the view taken by the respondents. There is no merit in the application, it is dismissed.

  
(M.S. DESHPANDE)  
VICE CHAIRMAN

mrj.