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CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
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Original Application No: 849/93

Transfar Application No:

DATE OF DECISION: 18.8.1994

Mohd. Yunus Khan Petitioner

Mr. G.S.Walia Advocate for the Petitioners

Versus

U.O.I. & Ors. Respondent

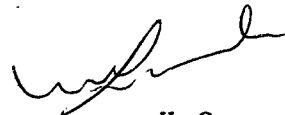
Mr. S C Dhawan Advocate for the Respondent(s)

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

The Hon'ble Shri

1. To be referred to the Reporter or not ? *no*
2. Whether it needs to be circulated to other Benches of the Tribunal ? *no*

  
V.C.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6  
PRESCOT ROAD, BOMBAY 1

O.A.NO. 849/93

Mohd. Yunus Khan

..Applicant

V/s

Union of India & Ors.

..Respondents

Coram: Hon.Shri Justice M.S.Deshpande, Vice Chairman

Appearance:

Mr. G S Walia

Counsel for the applicant

Mr. S.C. Dhawan

Counsel for the respondents

ORAL JUDGMENT:

DATED: 18.8.94

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

Heard the counsel. This is an application for a direction to the respondents to grant the applicant a compassionate appointment. The applicant's father who was a railway employee died on 23.8.69. The applicant was born on 13.6.1962 and was about seven years old at the time of his father's death. Though he attained ~~the~~ majority in 1980 an application for compassionate appointment was first made on 1.10.1988 and the second on 14.7.1989 because his first application did not ~~in~~ invoke any response from the respondents. On 14.9.89 in reply to the applicant's second application the respondents asked for certain details for processing the application. On 3.10.89 the applicant represented to the respondents explaining the delay. The reason for delay was stated to be that he was not aware of the rules regarding the ~~pe~~riod within which the application had to be made as there was no one in the family to guide <sup>him</sup> in this respect. There is a further reply of respondents dated 8.1.90 stating that the particulars mentioned in that

application showed that the applicant had a brother who was 16 years old at the time of the death of the father of applicant. Though there <sup>were</sup> ~~are~~ repeated representations reiterating that the application could not be made earlier for compassionate appointment because of ignorance, the consistent reply of the respondents was that the application could not be entertained on account of delay.

Shri Walia, learned counsel for the applicant, urged that under the rules which find place in the Master Circular on Appointment on Compassionate Grounds, Rule V prescribed the time limit for compassionate appointment and the application had to be made within a period of five years from the date of occurrence of the event entitling the eligible person to be appointed and the period of five years may be relaxed by the General Manager subject to certain conditions. Clause (vii) says that the request for compassionate appointment should have been received by the Railway Administration as soon as the son/daughter to be considered for compassionate appointment has become a major, say within a maximum period of one year.

In the present case there is a clear delay because the application should have been made prior to 13.6.1981 which would be the last date of one year after the applicant's attaining the majority and the application was delayed by atleast seven years. It is for the authorities to consider whether the time limit should be relaxed. The only reason given by the applicant was that he was not aware of the rules. This was reiterated in every application that was made. Seven years of delay cannot be explained away merely on the basis of ignorance.

Shri Walia urged that the family was in distress because the applicant's mother had been working as maid-servant and maintaining the family. It is true that compassionate appointment has to be made for the purpose of relieving the distress of the family. By no stretch of imagination can it be said that the distress which continued even

*[Handwritten signature]*

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over a period of seven years after the prescribed period should be looked into.

I see no grounds made out in the present application for inferring that the respondents acted arbitrarily in not entertaining the request and that relaxation should have been given in the present case. In the result I see no merit in the application and is dismissed with no order as to costs.



(M.S. Deshpande)  
Vice Chairman