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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA No. 583/93 : Date of order 16.5.94

Mrs. Angelina Massey : Applicant

V/s

Union of India & Others : Respondents

Mr. K.L. Thawani : Counsel for the applicant

Mr. U.D. Sharma : Counsel for the respondents

CORAM

Hon'ble Mr. Justice D.L. Mehta, (Vice-Chairman)

Hon'ble Mr. P.P. Srivastava, Member (A)

PER HON'BLE MR. JUSTICE D.L. MEHTA, (VICE-CHAIRMAN)

Heard the learned counsel for the parties. The applicant husband was under investigation under section 409 of the I.P.C. in the year 1970. He has not been heard thereafter. The presumption about the civil death arises after 7 years. The applicant's case is that she is having one unmarried daughter aged 29 years and one son 26 years. The respondents have come with the case that during 1977-93, the applicant got her two daughters married. The respondents' case is that after a lapse of 16 years no application for compassionate ground appointment can be considered. It must be immediate and it must be proved before the court that the applicant was entitled/eligible. We will not go into the merits of the case. We will not entertain the case after 16 years particularly when the cause of action about the civil death or presumption of the civil death accrued in 1977 i.e. after 7 years of 1970 from the date when he has not been heard. In the facts and circumstances of the case, we do not find any force in this OA and it is dismissed with no order as to costs.



(P.P. SRIVASTAVA)  
Member (A)

  
(D.L. MEHTA)  
Vice-Chairman