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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.651/93

Date of order: 3.4.1996

Raj Kumar Sharma : Applicant

Vs.

Union of India & Ors. : Respondents

None present for the applicant

Mr.Manish Bhandari : Counsel for respondents

CORAM:

Hon'ble Mr.Gopal Krishna, Vice Chairman

Hon'ble Mr.O.P.Sharma, Administrative Member.

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN.

Applicant Raj Kumar Sharma has sought a direction to the respondents in this application under Sec.19 of the Administrative Tribunals Act, 1985 (for short the Act), to offer him employment on compassionate grounds.

2. The case of the applicant is that his father Shri Ram Kishore Sharma, died on 19.12.1973 while serving as a Khallasi in substantive capacity under the Chief Ticket Inspector, Kota. His mother expired on 26.7.1968. She has predeceased her husband. The father of the applicant died leaving behind the applicant as his son and a daughter Sarita Devi, who were of 7 years and 6 years <sup>of age</sup> respectively. Thereafter the Additional District Judge, Gangapur City, had appointed Shri Radhey Shyam, a brother of the applicant's father as the Guardian of the applicant and his sister, to look after their person and property and to receive pension on their behalf from the Railway. The applicant's entitlement to appointment on compassionate ground is merely based on the averment that there are rules in the Railway to offer appointments to the sons/daughters/widows of the deceased employees on compassionate grounds if the deceased Railway employees die in harness. It is also stated that in case the widow cannot take up any employment and the son/daughter is <sup>a</sup> minor the case may


be kept pending till they attain majority. The applicant applied for appointment on compassionate grounds on 12.7.1988 but the same was rejected vide letter dated 12.8.1988 referred to in Annx.A1 dated 12.3.90. The impugned order at Annx.A1 is assailed as being arbitrary and illegal.

3. On the other hand, the respondents have contested the application that the same having been filed against an order dated 12.3.1990 is barred by limitation since it was presented on 17.11.93, much beyond the period of limitation prescribed for presenting the same as envisaged by Sec.21 of the Act. It is also stated that the applicant requested for grant of compassionate appointment when he was about 21 years of age. The applicant had attained the age of majority when he was 18 years old for the purpose of claiming appointment on compassionate basis. It is also stated that the request of the applicant for the extension of the said benefit was rightly rejected by the administration.

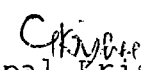
4. None is present for the applicant. We have heard the learned counsel for the respondents and have perused the record.

5. There is no averment in the body of the O.A to the effect that the family was in need of assistance in the event of there being no bread winner for it. There is no averment to the effect that the family was in fact <sup>in</sup> indigent circumstances. On the contrary, the applicant himself has stated that after the death of his parents a Guardian was appointed by the Addl. District Judge, Gangapur City, to look after the person of the applicant and his sister and the property left behind by the deceased government servant. The only ground which can justify compassionate appointment could be the indigent condition of the family. There is no such pleading on the record. The ~~CA/DA~~ applicant's request was rejected on 12.8.1988 as evidenced by

the impugned order Annx.A1 dated 12.3.90. Even if it is assumed that it was rejected by <sup>a</sup> communication dated 12.3.90, the present application having been filed on 17.11.93, after a period of more than three-and-a-half years is clearly barred by limitation. This application is, therefore, dismissed as being devoid of merit and as also being barred by limitation. No order as to costs.

  
(O.P. Sharma)

Member (Adm.)

  
(Gopal Krishna)

Vice Chairman.