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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH.

O.A. No. 201/1995.

Date of Order 18.5.95.

Fatima Begam and another

.....Applicants.

Vs.

Union of India & others

.....Respondents.

For the applicant - Mr. B.L. Awasthi, advocate.

ORDER (ORAL)

(Hon'ble Mr. Gopal Krishna, Vice Chairman)

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Applicants, Smt. Fatima Begam and Sh. Rafik Mohammed, have filed this Application under Section 19 of the Administrative Tribunals Act, 1995 (for short, the Act), praying therein that the impugned order dated 20.10.94 (Annexure A/11) by which it was not considered proper to give appointment to Applicant No. 2 on ^{be quashed} compassionate basis/as also for a direction to the respondents to give appointment to Applicant No. 2 - Shri Rafik Mohammed to any Group 'C' post.

2. Heard the learned counsel for the applicants and perused the records.

3. The contentions of the applicants are that the husband of Applicant No. 1 and the father of Applicant No. 2, Shri Hussain Mohammed, had expired on 27.9.1967 due to throat cancer while serving as a Cleaner in the Loco Shed at Jaipur. He had completed about five years ^{of} service. Applicant No. 1 is the widow ^{the} of/deceased Railway servant and she is drawing Rs. 700/- per month as pension. It is also stated that the deceased had a large family to support and the

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amount of pension which his widow is now drawing is inadequate to meet the expenses of the family and as such the applicants are in indigent condition. The applicants made representations from time to time to the respondents for grant of appointment to any Group 'C' post on compassionate grounds; but the said benefit claimed was not extended to Applicant No. 2. The first representation was made by the Applicant No. 2 on 1.12.1988. It was rejected vide Annexure A/7, dated 5.4.89. Another representation at Annexure A/8, dated 15.3.93 was rejected vide communication at Annexure A/9, dated 12.4.93. Thereafter a representation was made on 6.10.94 which was not considered vide communication dated 20.10.94 at Annexure A/11. The applicant ought to have filed an Application in this Tribunal within a year of the rejection of the first representation vide Annexure A/7, dated 5.4.89 as prescribed by Section 21 of the Act.

4. It is obvious from a perusal of the communication at Annexure A/11, dated 20.10.94 that it is merely a reaffirmation of the earlier decisions dated 5.4.89, 13.6.89 and 12.4.93. The case of the applicant was not considered on merits vide Annexure A/11 and he was merely informed vide this communication that the competent authority has not considered it proper to give appointment to Applicant No. 2 on compassionate grounds. The present Application which should have been filed within a year of the communication dated 5.4.89 as envisaged by Section 21 of the Act, has been filed on 5.5.1995 much beyond the period of limitation prescribed by the provisions

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contained in Section 21 of the Act. This Application is barred by limitation. It is, therefore, dismissed at the stage of admission.

The M.A. No. 212/95 for condonation of delay stands dismissed accordingly.

C. K. Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN

'MS'