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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 12.8.1998

OA 341/97

Narayan Lal Balai son of Late Shri Bhura r/o Railway Station, New Colony, near B Cabin, Warena, Daistt. Jaipur.

... Applicant

Versus

1. Union of India through the Secretary to Govt., Ministry of Railways, New Delhi.
2. General Manager, Western Railway, Churchgate, Bombay.
3. Divisional Railway Manager, Western Railway, Jaipur.

... Respondents

CORAM:

HON'BLE MR. GOPAL KISHNIA, VICE CHAIRMAN

For the Applicant

... None

For the Respondents

... Mr. T.P. Sharma

O R D E R

PER HON'BLE MR. GOPAL KISHNIA, VICE CHAIRMAN

Applicant, Narayan Lal Balai, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to consider his request for grant of appointment to any suitable post on compassionate grounds.

2. The case was called out twice. None is present for the applicant even in the second round. I have heard Mr. T.P. Sharma, counsel for the respondents, and have carefully perused the records.

3. The case of the applicant is that his father, Shri Bhura, was serving as a Gangman in Gang No. 2 in the office of the FWI at Fishangarh when he died on 2.11.83 while on duty. He left behind his widow, Smt. Lada, and the applicant, who is his son. The applicant was minor at the time of the death of his father. It is stated by the applicant that he belongs to Balai community, which is a Scheduled Caste community. When the applicant's mother, Smt. Lada, approached the FWI, Fishangarh, and the Personnel Officer in the office of the DRM, Jaipur, she was advised to move an application for appointment on compassionate grounds after her son attains majority. The date of birth of the applicant is 21.8.71. He attained majority on 21.8.89. The learned counsel for the respondents has stated that the applicant should have made a request for compassionate appointment within one year after attaining the age of majority and the application having been made beyond one year i.e. on 23.7.91 became time barred and, therefore, the competent

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authority had decided not to give appointment to the applicant on compassionate considerations. It has been categorically stated by the respondents in their reply that the applicant was intimated vide letter No.E/891/93/36 dated 6.7.93 that since the application for appointment on compassionate grounds had not been filed within the stipulated time, the department had decided not to give appointment to him. When the applicant was informed about the rejection of his request for appointment on compassionate basis by letter dated 6.7.93, he should have approached this Tribunal within a reasonable time. The present application was filed on 7.8.97 i.e. after a period of about four years from 6.7.93, when the applicant was informed about the rejection of his request for appointment on compassionate basis.

4. In the circumstances, the present application is hopelessly time barred. It is, therefore, rejected at the stage of admission as being barred by limitation.

G.Krishna
(GOPAL KRISHNA)
VICE CHAIRMAN

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