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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: JAIPUR BENCH: JAIPUR.

O.A. No. 459/97

Date of order: 5.3.1998

Jagdish Prasad S/o Shri Chajju Ram, by caste Brahmin, Age about 34 years, R/o Alipur, Tehsil Weir, Distt. Bharatpur (Rajasthan).

: Applicant

Versus

1. Union of India through its Chief General Manager, W.Railway, Churchgate, Bombay.
2. Divisional Manager (Railway), Kota Division, Kota (Rajasthan).
3. Senior Divisional Personal Officer, Railway Division, Kota (Raj).

: Respondents

Mr. H.C. Ganeshia, counsel for the applicant

CORAM:

HON'BLE SHRI RATAN PRAKASH, MEMBER (JUDICIAL)

O R D E R

(PER HON'BLE SHRI RATAN PRAKASH, MEMBER (JUDICIAL))

Through this application the applicant herein Shri Jagdish Prasad has approached the Tribunal under Section 19 of the Administrative Tribunals Act, 1985, to direct the respondents to give to the applicant compassionate appointment on account of the death of his deceased adoptive father Shri Chajju.

2. The applicant's father Shri Chajju Ram was a Mate in the Respondents Railways department and died on 19.11.85 while in Railway service. It is the case of the applicant that after the death of his adoptive father he made repeated representations to the respondents to give him compassionate appointment. The respondents for the first time replied by their letter dated 16.5.1990 (Annex.A-2) rejecting his prayer. He moved the Additional District

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Judge, Bayana, District Bharatpur to obtain a Succession Certificate which was ultimately granted in his favour by order dated 6.7.1993 (Annex.A-3). Thereafter he made a representation on 1.8.1995 (Annex.A-4), 7.10.1996 (Annex.A-5) and lastly gave a notice of demand of justice dated 13.4.1997 (Annex.A-6). Having not received any response from the respondents thereafter he has approached this Tribunal to claim the aforesaid relief.

3. From the pleadings, it is not made out whether the applicant was a major while his adoptive father Shri Chajju Ram died on 9.11.1985. The applicant on the basis of the succession certificate issued as at Annexure A-3 has also received an amount of Rs. 42,949/- towards retiral benefits and also an amount of Rs. 12800/- on account of gratuity and another amount of Rs. 9439/- as DLI. The applicant was informed by the respondents as early as on 16.5.1990 (Annex.A-2) that he could not be extended appointment on compassionate ground. He could have approached this Tribunal within one/limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985. It has been consistently held by Hon'ble the Supreme Court that in matters of compassionate appointment; appointment cannot be sought for as of right more so when there has been a delay of a number of years. In the case of Bhup Singh Vs. UOI, JT 1992 S.C. 322, it has been held by Hon'ble the Supreme Court that inordinate and unexplained delay or laches by itself is a good ground to refuse relief to the petitioner irrespective of the merits of his claim. In the instant case the adoptive father of the applicant

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is reported to have died on 9.11.1985 and this OA has been filed on 23.9.1997 i.e. almost after a period of more than 11 years. Further repeated unsuccessful representations not provided by law do not extend the period of limitation in filing the applications as held by Hon'ble the Supreme Court in the case of S.S. Rathore vs. State of M.P., AIR 1990 S.C. 10.

4. Consequently, there is no merit whatsoever in this OA which is dismissed at the stage of admission. No order as to costs.



(Ratan Prakash)
Judicial Member