

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A. No. 433/99

Date of order: 9.9.1999

Mahech Chand Sharma, S/o Shri Ganesh Sharma, R/o
Rather Khera, Post Mahukhera, Vias Biwai, Distt. Dausa.

...Applicant

Vs.

1. The Union of India through the General Manager, Western Railway, Church Gate, Mumbai.
2. The Divisional Railway Manager, Western Railway, Ajmer Division, Ajmer.

...Respondents.

Mr. Virendra Lodha
Mr. Anurag Kulshrestha) Counsel for applicant.

CORAM:

Hon'ble Mr. S. K. Agarwal, Judicial Member.

PER HON'BLE MR. S. K. AGARWAL, JUDICIAL MEMBER.

Heard arguments on admission. The prayer of the applicant in this Original Application is to direct the respondents to consider the case of the applicant for suitable employment on compassionate ground.

2. Admittedly the father of the applicant died in the year 1977 and the applicant attained majority in the year 1987. After attaining majority, the applicant should have approached the competent authority within one year from the date of attaining the majority.
3. In Union of India Vs. Bhagwan Singh (1995) 31 ATC 736 it was held that the application filed by the last mentioned son beyond 5 years from the year of death of the deceased and beyond one year from the date of his attaining the majority is patently barred by limitation.
4. In Umesh Kumar Nagpal Vs. State of Haryana, (1994) 4 SCC 138, a Bench of two Judges has pointed out that the whole object of granting compassionate employment is to enable the family to tide over the sudden crisis. In Jagdish Prasad Vs. State of Bihar (1996) 1 SCC 301, Hon'ble the Supreme Court

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has observed that the very object of appointment of a dependent of the deceased employee who die in harness is to relieve unexpected immediate hardship and distress caused to the family by sudden demise of the earning member of the family. Hon'ble Supreme Court has further observed that if the claim of the dependent which was preferred long after the death of deceased employee is to be countenanced it would amount to another mode of recruitment of the dependent of the deceased Govt servant which cannot be encouraged dehors the recruitment rules.

5. In Director of Education and Anr. vs. Union of India & Ors, reported in (1998) 5 SCC 192, the same view was upheld.

6. In the instant case the deceased employee died in 1977 and the applicant has approached this Tribunal in 1999, after such a long delay his claim for compassionate appointment cannot be entertained as barred by limitation. I, therefore, dismiss this O.A at the stage of admission in limine.


(S.K. Agarwal) 9/9/99
Judicial Member.