

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR
O.A.No.320/2000 Date of order: 16.7.2000

Sita Ram Meena, S/o Late Sh.B.L.Meena, House
No.4343, Chapper Badiyan ka Rasta, Ghatgate, Jaipur.

...Applicant.

Vs.

1. Union of India through Under Secretary, Deptt of Posts & Telegraph, New Delhi.
2. Chief Post Master General, Rajasthan Circle, Jaipur
3. Sr.Superintendent of Posts, Jaipur City Circle, Jaipur

...Respondents.

Mr.Sukhveer Singh : Counsel for applicant

Mr.S.M. Khan) : for respondents.

Mr.S.S.Hasan)

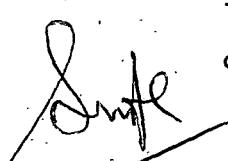
CORAM:

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

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

In this O.A filed under Sec.19 of the ATs Act, 1985, the applicant makes a prayer to direct the respondents to consider the case of the applicant for appointment on compassionate grounds and to quash and set aside the impugned order dated 4.7.95.

2. In brief facts of the case as stated by the applicant are that father of the applicant Sh.B.L.Meena died on 29.12.87 and applicant filed an application for giving appointment on compassionate ground as Group-D employee in the year 1998. Vide impugned order dated 4.7.95, the department has reached to the conclusion that the applicant is not entitled to be considered for appointment on compassionate ground as the elder son of the deceased

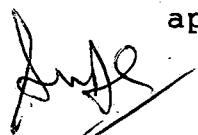


employee is already in Bank service and the widow of the deceased receives family pension and received the dues of retiral benefits. The applicant challenged this order by way of this O.A.

3. The learned counsel for the respondents vehemently urged that the case of the applicant is hopelessly barred by limitation as the deceased employee died in the year 1987. It is also argued that the application of the applicant has already been considered by the department and rejected his prayer vide the impugned order dated 4.7.95 and this order has been challenged after lapse of about 5 years, therefore, this application in both angles is hopelessly barred by limitation and liable to be dismissed.

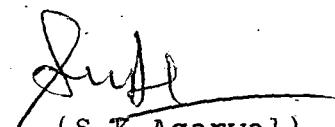
4. I have given anxious consideration to the contention raised by the counsel for the applicant and perused the whole record.

5. Admittedly, the father of the applicant died on 29.12.87 i.e. more than 12 years have passed. It is also an undisputed fact that the elder brother of the applicant is already in Bank Service. Moreover after death of the deceased employee, the widow Smt. Dhappu Devi was receiving the family pension and other retiral benefits were already paid to her, meaning thereby indigent circumstances in the family of the deceased do not appear to exist at all. Vide the impugned order dated 4.7.95, the department reached to the right conclusion that the applicant is not entitled to any appointment on compassionate ground as no indigent circumstances exist in the family of the deceased. Not only this, but the order dated 4.7.95 has been challenged by the applicant by this O.A in August 2000, i.e. after approximately 5 years. In view of the provisions of Sec.21



of the Act, 1985 and decision of the Apex Court from time to time for this purpose, I am of the considered view that this O.A appears to be hopelessly barred by limitation and the applicant is not entitled to any relief sought for.

6. I, therefore, dismiss the O.A having no merits and hopelessly barred by limitation with no order as to costs.


(S.K. Agarwal)

Member (J).