

CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH, JAIPUR.

O.A.No.386/03

December 21, 2004

CORAM : HON'BLE MR.KUIDIP SINGH, VICE CHAIRMAN &
HON'BLE MR.A.K.BHANDARI, MEMBER (ADM.)

Mohd. Imran Khan son of late Shri Mohd. Ismail, aged about 22 years, resident of Mukti Marg, Nehru Nagar, Near Muskhan Bakery, Kota Junction, Kota, Rajasthan.

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Applicant

By : Mr.Manish Bhandari, Advocate.

Versus

1. The Union of India through the Chief Post Master General, Rajasthan Circle, Jaipur.
2. The Superintendent of Posts, Kota Mandal, Kota

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Respondents

By : Mr.B.N.Sandu, Advocate.

O R D E R(ORAL)

KUIDIP SINGH, VC

In this Original Application under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for quashing of the order dated 16.3.2001 (Annexure A-1) by which the request of the applicant for appointment on compassionate grounds was rejected. He has also challenged the order dated 23.4.2003 (Annexure A-4) by which the representation of the applicant against the order, Annexure A-1,

2. Respondents have filed a reply taking a preliminary objection that the O.A. is barred under the law of limitation. The applicant has filed a rejoinder.

3. We have heard learned counsel for the parties and perused the material on the file on the point of limitation.

4. A perusal of the order, Annexure A-1, shows that the applicant had submitted his application for grant of appointment on compassionate grounds in July, 2000, which was rejected by the respondents on 16.3.2001. So, this is the date when cause of action arose in favour of the applicant. It is a final order which could be challenged by the applicant within a period of one year. No appeal against this order has been provided for, under the rules or instructions.

Kuidip Singh

Instead of filing the Original Application to challenge the order dated 16.3.2001 (Annexure A-1) within the period of limitation, the applicant chose to make representations to the authorities and ultimately by order dated 23.4.2003 (Annexure A-4), the respondents reiterated the decision taken by them in the order dated 16.3.2001, with a clear indication that there is no provision for review in such cases. Learned counsel for the applicant argued that since the claim of the applicant has been rejected on 23.4.2003, the period of limitation should be counted from this date.

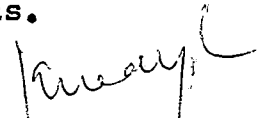
However, the language of the letter dated 23.4.2003 (Annexure A-4) makes more than clear that no fresh decision has been taken by them in this communication. They have simply reiterated their earlier decision. There is a specific objection taken by the respondents in their reply in regard to limitation. However, despite this, learned counsel for the applicant or for that matter the applicant has not filed any application seeking condonation of delay. It is well settled that repeated representations do not extend the period of limitation. Even if a belated representation is considered and replied to, that will not extend the period of limitation, which is to be counted from the date of original cause of action.

5. Even otherwise, it has been explained by the respondents that the candidates on the waiting list are already waiting for appointment since 1996. The widow is in receipt of family pension of Rs.1,838/- plus allowances and the family has received terminal benefits to the tune of Rs.1,21,949/-. The family is in possession of residential house and the financial condition of the family does not appear to be indigent requiring immediate relief. Since the family has been able to pull on for more than 8 years, the element of urgency to offer appointment on compassionate grounds is totally missing. Even the vacancies are not available to offer appointment to the dependents of government servant who died in harness.

True

6. In view of the above discussion, we find that this Original Application is bereft of any merits and is dismissed, leaving the parties to bear their own costs.


(A.K. BHANDARI)AM


(KUIDIP SINGH)VC

December 21, 2004.

HC*