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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 728 of 2005

Jabalpur, this the 25th day of August, 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

Pawan Kumar Sharma, Son of Shri
R.S. Sharma, aged about 26 years,
Unemployed, R/o. Village Gingarkhi,
Tehsil Mehgaon, District Bhind (MP). Applicant

(By Advocate – Shri S.K. Garg on behalf of Shri R.L. Gupta)

V e r s u s

1. Union of India,
Through Secretary,
Ministry of Post & Telegraph,
New Delhi.
2. Asssistant Director (Estt.),
in the office of Principal Chief
Post Master General, Bhopal.
3. Post Master General, Indore.
4. Superintendent, Post Office,
Chambal Division, Morena (MP). Respondents

O R D E R (Oral)

Bv M.P. Singh, Vice Chairman -

By filing this Original Application the applicant has claimed the following main reliefs :

"(i) to issue suitable directions to the respondents to give compassionate appointment to the petitioner on any Class-III post in any place of department within a fixed period,

(ii) the impugned order dated 13.9.2001 (Annexure A-1) by which the compassionate appointment has been refused to the petitioner may also be quashed and the respondents be directed to



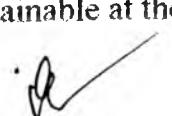
give compassionate appointment to the petitioner within a fixed period."

2. The brief facts of the case are that the father of the applicant who was working with the respondents Postal Department died in harness on 11.11.2000. The applicant who is the son of deceased Government servant has submitted an application to the respondents to consider him for appointment on compassionate ground. The respondents vide their letter dated 13th September, 2001 (Annexure A-1) has rejected the claim of the applicant for appointment on compassionate ground and instead advised him to compete against the direct recruitment quota to get a job in the Postal Department. Aggrieved by this the applicant has filed the Original Application.

3. Heard the learned counsel for the applicant.

4. As per the provisions of the Administrative Tribunals, Act the applicant could have approached the Tribunal within a year. But he has not done so. He has also not filed any application for condonation of delay. The Hon'ble Supreme Court in the case of Ramesh Chand Sharma etc. Vs. Uddham Singh Kamal & Ors., (1999) 8 SCC 304 = 2000 (1) ATJ 178 has held that "(I)t was open to the first respondent to make proper application under Section 21(3) of the Act for condonation of delay and having not done so, he cannot be permitted to take up such contention at this late stage. In our opinion, the OA filed before the Tribunal after the expiry of three years could not have been admitted and disposed of on merits in view of the statutory provisions contained in Section 21(1) of the Administrative Tribunals Act, 1985. The law in this behalf is now settled (see Secy. to Govt. of India Vs. Shivram Mahadu Gaikwad, 1995 Supp (3) SCC 231 : 1995 SCC L&S 1148 : (1995) 30 ATC 635.)"

5. In view of the aforesaid ruling of the Hon'ble Supreme Court this Original Application is not maintainable. Accordingly, the same is rejected as not maintainable at the admission stage itself.


(Madan Mohan)
Judicial Member

"SA"


(M.P. Singh)
Vice Chairman