

Central Administrative Tribunal
Jabalpur Bench

OA No.1090/05

Jabalpur, this 1st day of ~~December~~ 2005.

C O R A M

Hon'ble Mr. Madan Mohan, Judicial Member

Kamlesh Kumar Uikey
Son of late Dhanraj Uikey
C/o Shri Jamidar Uikey
GE, MES, Camp Area
Pathrota, Post Itarsi
District Hoshangabad (MP)

Applicant

(By Shri B.L.Nag)

Versus

1. Union of India through
its Secretary
Ministry of Finance
Department of Economic Affairs
Central Secretariat
North Block
New Delhi.
2. The General Manager
Government of India
Ministry of Finance
Department of Economic Affairs
Security Paper Mill
Hoshangabad (MP).

Respondents.

ORDER

By Madan Mohan, Judicial Member

By filing this OA, the applicant has claimed the following reliefs:

- (i) Quash the impugned order (Annexure A1) dated 29th October 2005.
- (ii) Direct the respondents to get spot verification of the financial condition of the applicant and consider the case of the applicant sympathetically for compassionate appointment on class IV post against supernumerary post, if vacancy is not available.



2. The brief facts of the case are that the father of the applicant died in harness on 18.2.1991 while working on the post of peon under respondent No.2. At that time, the applicant was a minor and he submitted an application for compassionate appointment after attaining age of 18 years on 5.3.2003, but his representations have been rejected without following the guidelines. Hence this OA is filed.

3. Heard learned counsel for the applicant. The father of the applicant died on 18.2.1991. This OA has been filed on 22.11.05. The Hon'ble Supreme Court in the case of National Hydroelectric Power Corporation and another Vs. Nanak Chand and another, decided on 15th October 2004, reported in 2005 SCC (L&S) 357 has held that "Compassionate appointment-Entitlement to - Highly belated claim - effect of - Claim made by respondent on attaining majority after ten years of his father's death, held, would not be maintainable. The same principle is held in another case in Commissioner of Public Instructions and others Vs. K.R.Vishwanath reported in 2005 SCC (L&S) 927.

4. In view of the aforesaid principles laid down by the Hon'ble Supreme Court, this OA is not maintainable. Hence it is dismissed at the admission stage. No costs.

(Madan Mohan)
Judicial Member

aa. पृष्ठांकन सं/ज्या.....जबलपुर, दि.....

परिचयि उक्तो जिल:-

- (1) सचिव, उक्त पञ्जाब नगर एलेक्ट्रिशियन, जबलपुर
- (2) उक्त पञ्जाब नगर एलेक्ट्रिशियन का काउंसल
- (3) प्रत्यक्षीय/निरीक्षक का काउंसल
- (4) बंधुपार, जो प्र. न. जबलपुर एलेक्ट्रिशियन सूचना एवं आवरणक कार्यालय में

B.L. NAG

B.L. NAG

उप रजिस्ट्रार

1-12-05