

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 198 of 2002

Jabalpur, this the 17th day of April 2003.

Hon'ble Mr. A.K. Bhatnagar - Member (Judicial)

Sukhchain Yadav, S/o Shri Halke
Yadav, aged about 27 years,
Occupation-Nil, resident of
572, South Millionganj, Chhota
Fuhara, Jabalpur (M.P.)

APPLICANT

(By Advocate - Shri Ranveer Singh)

VERSUS

1. The Union of M.P. through
Secretary, Ministry of
Telecommunication, Sanchar
Bhawan, New Delhi.
2. Chief General Manager,
Telecom Factory,
Jabalpur. (M.P.)

RESPONDENTS

O R D E R (ORAL)

This Original Application has been filed under Section 19 of the Administrative Tribunals Act seeking relief for directing the respondents to allow the applicant for another trade test for appointment on compassionate ground as the Department itself had found ~~fit~~ ^{fit} the case of the applicant ~~for~~ for appointment on compassionate ground.

2. The brief facts giving rise to this original application is that the applicant's father Late Halku Yadav was working as Labour who died on 25/12/1988 leaving behind the present applicant, his old aged mother, one daughter and one younger son. It is claimed that the applicant made a representation to the Department concerned for appointment on compassionate ground in place of his father who died in harness. It is also claimed that the Department after considering the application of the applicant gave a chance to the

applicant to appear in the trade test for appointment on compassionate grounds. The applicant appeared in the trade test and failed. So he was found unfit by the selection committee which was communicated to the applicant vide letter dated 09/09/1993 issued by the Personnel Officer, Telecom Factory, Jabalpur informing the applicant that in the trade test conducted on 16/01/1992, result declared on 03/02/1992 the applicant could not obtain the minimum marks.

3. I have heard learned counsel Shri Ranveer Singh for the applicant and perused the record carefully. The learned counsel of the applicant submitted that the applicant is only claiming relief for a direction to the respondents for holding another trade test for him. In para 6.3. of the original application it is mentioned by the applicant that the applicant has filed an original application No. 737/1993 before the Hon'ble Central Administrative Tribunal at Jabalpur claiming relief of compassionate appointment. This application was rejected, which reads as under :

"The respondents have pleaded that the applicants were not placed in indigent circumstances. We are of the opinion that this plea becomes redundant in view of the fact that the High Power Committee recommended Sukchain Yadav for appointment on compassionate grounds. The appointment on compassionate grounds has been refused on the ground that the applicant Sukhchain Yadav failed to successfully negotiate the trade test which is more or less a prescribed qualification for empanelment/appointment on the post of Mazdoor. Consequently, we consider that our interference is not warranted.

In the result, the petition is dismissed without any order as to costs."

In para 6.4. it was again mentioned by the applicant that he had again filed another original application which ~~was~~ was also rejected by this Hon'ble Tribunal on

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The ground that earlier the application of the applicant was rejected by the Hon'ble Tribunal for the same relief. As the impugned order is dated 09/09/1993 and the applicant has filed this original application on 26/03/2003, after about 9 years is grossly time barred. In view of the above the said OA is liable to be rejected on the ground of limitation. After placing reliance in the case of SS Rathore Vs. State of M.P. 1990 SCC(L&S) Page 50 the OA is liable to be rejected as barred by limitation.

4. In view of the aforesaid the Original Application is dismissed as grossly time barred and barred by res-judicata as OA No. 737/1993 has already been dismissed having the same relief. There shall be no order as to cost.

(Signature)
(A.K. BHATNAGAR)
MEMBER (J)

पृष्ठवन्त सं ओ/न्या.....जबलपुर, दि.....

परिचालिका के कार्यालय

(1) सचिव, न्यायिक शाखा, जलपुर, जबलपुर

(2) अवर सचिव, न्यायिक शाखा, जबलपुर के कार्यालय

(3) प्रमुख न्यायिक शाखा, जबलपुर के कार्यालय

(4) सहायक सचिव, न्यायिक शाखा, जबलपुर के कार्यालय

सूचना एवं आवश्यक कार्यवाही हेतु

(Signature)
21/4/03

*Issued
on 22.4.03*

"SA"