

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 199 of 2003.

Jabalpur, this the 8th day of April 2003.

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

Ku. Neetu Pataskar (Patwa)
D/o. Late Chhotelal Patwa
aged 26 years
R/o. C/o Smt. Kesar Patwa
Vivekanand Ward, Garhakota
Distt. Sagar M.P.

APPLICANT

(BY Advocate - Shri S. Bhattacharya)

VERSUS

1. Union of India,
Through the Secretary,
Department of Posts India
New Delhi.
2. The Chief Post Master General
Madhya Pradesh Circle
Bhopal M.P.
3. The Senior Superintendent
of Post Offices,
Sagar Division, Sagar M.P.

RESPONDENTS

O R D E R (Oral)

By R.K. Upadhyaya, Member (Admnv.) :-

The applicant has sought a direction to the respondents for her compassionate appointment on the death of her father Chhotelal Patwa, who died in harness on 08/12/1996. The claim of the applicant is that the applicant and her mother are the two dependants of the deceased employee. Since there was no earning member in the family, she had applied for compassionate appointment "in place of her father". It is admitted by the applicant that by letter dated 11/12/1997 (Annexure A/5) she was informed by the respondents that her claim for compassionate appointment was rejected, having been found unfit under the scheme of compassionate appointment. The

(Signature)

learned counsel of the applicant states that since the order dated 11/12/1997 (Annexure A/5) was not a speaking order, the applicant was repeatedly requesting for reviewing the matter, but ultimately the applicant was informed by a letter dated 05/05/2000 (Annexure A/6) that the request of the applicant for compassionate appointment has already been decided and is rejected. Therefore this application has been filed. The learned counsel stated that in view of the fact that there is a need for compassionate appointment on the death of the deceased Government servant this Tribunal should issue directions to the respondents to consider the case of the applicant.

2. We have heard learned counsel of the applicant. The deceased Government servant died on 08/12/1996. The object of providing compassionate appointment is to help the surviving members of the family of the deceased Government servant in their financial distress. However the posts filled up by compassionate appointment are limited and there are several applications. Therefore the respondents lawfully adopted the practice of screening of the applications considering the most deserving cases for such appointment. The respondents vide their letter dated 11/12/1997 (Annexure A/5) had stated that the application of the applicant was considered but after considering the case of the applicant on standards prescribed for such reservation for compassionate appointment, her case was not considered suitable. Therefore the respondents have regretted her request. The contention of the learned counsel of the applicant that the applicant continued to send representations and reminders does not help in this case. We, prima facie, find that there is no error in the order dated 11/12/1997 (Annexure A/5), but the applicant

11/30/97

should have approached this Tribunal immediately thereafter. However it was not done. On the other hand, the applicant has been admittedly seeking employment on further representations. The Hon'ble Supreme Court in the case of Admin. of Union Territory of Daman & Diu & Ors. Vs. R.D. Valand 1995 (8) SLR 616 have held that repeated representations do not enlarge the period of limitation. Therefore, we find that the present Original Application is filed beyond the period of limitation prescribed under Section 21 of the Administrative Tribunals Act. Even if we consider the subsequent letter dated 05/05/2000 (Annexure A/7), the present application is still beyond the period of limitation. The applicant has not made any prayer for condonation of delay, therefore this case is to be dismissed as barred by limitation.

3. However we have considered ^{also} claim on merits/and we find that there is no violation of the rules or guidelines for compassionate appointment in this case. Therefore, this application is dismissed both on the point of limitation as well as on merits at the admission stage itself, with no order as to cost.

(A.K. BHATNAGAR)
MEMBER (J)

(R.K. UPADHYAYA)
MEMBER (A)

पृष्ठंकन सं ओ/न्या.....जबलपुर, दि.....
पतिलिपि अयो धित:-

- (1) सचिव, उच्च न्यायालय वार एसोसिएशन, जबलपुर
- (2) आदेश, सी/जेनरी/कु.....के काउंसल
- (3) प्रवर्ती सी/जेनरी/कु.....के काउंसल
- (4) न्यायाधीश, जजलपुर न्यायापीठ

सूचना एवं आवश्यक कार्यवाही हेतु

"SA"

अम रजिस्ट्रार

18/4/03

Z. Bhattacharya, Adv.
H.C. of M.P.
JBP

16.4.03