

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 202 of 2003.

Jabalpur, this the 17th day of April 2003.

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

Gaurav Saxena  
age 24 years, son of Late Shri V.C. Saxena  
resident of Quarter No. 27, Lalitpur Colony,  
Gwalior (MP)

APPLICANT

(By Advocate- Shri B.L. Nag)

VERSUS

1. Union of India  
through the Secretary,  
Ministry of Finance  
New Delhi

2. The Comptroller and  
Auditor General of India  
10, Bahadurshah Jafar Marg  
New Delhi

3. Accountant General  
(Accounts & Entitlement)-I  
Madhya Pradesh  
Gwalior

RESPONDENTS

ORDER (ORAL)

This Original Application has been filed under  
section 19 of the Administrative Tribunal Act, 1985  
seeking the following reliefs:-

- "(i) To call for the records for the satisfaction of this Hon'ble Tribunal.
- (ii) To direct the respondents to consider the case of the applicant for compassionate appointment in any Group 'C' post commensurate with his qualifications.
- (iii) Any other relief as deemed fit by this Hon'ble Tribunal."

2. The brief facts giving rise to this O.A. are that the applicant's father Shri Vishnu Chandra Saxena died in harness on 29.6.2000 while in service working as Supervisor in the Office of Auditor General (Account & Entitlement)-I, M.P. Gwalior leaving behind his wife

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Smt. Chandra Saxena, Ku. Nidhi Saxena, daughter, Ku. Vidhi Saxena, daughter, Gaurav Saxena, son and Sourabh Saxena son, who were all said to be unemployed. It is claimed that the applicant sent an application in the prescribed proforma for appointment on compassionate ground in place of his father on 14.7.2000, which is Annexure A-5 for group 'C' post and which was rejected by letter of Auditor General (Account & Entitlement)-I, M.P. Gwalior on the ground that appointment on compassionate grounds is made with a view to assist the family of the deceased employee left behind in indecent condition on passing away of the bread-earner of the family. It is also stated therein that the family got Rs. 12,29,500/- as terminal benefits and family pension @ Rs. 4,500/- per month. It was also mentioned that the family of the deceased has its own residential accommodation. It is also stated that as per guidelines issued by the Government of India the case of the applicant for compassionate appointment was considered sympathetically and was not found fit for compassionate appointment.

3. I have heard the learned counsel for the applicant and perused the record available carefully. Without going into the merits of the case, I find that the impugned order of rejection for compassionate appointment is dated 20.10.2000, which is challenged by the applicant in this O.A. and this O.A. has been filed on 31.3.2003, which is grossly time barred. Moreover the applicant has not filed any application for condonation of delay. So on the face of the record, this O.A. is liable to be rejected only on the ground of limitation. The applicant has tried to take advantage of limitation by filing representations, which do not give any benefit to the applicant as far as period

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of limitation is concerned. As it is well settled that repeated representations do not give right to file the application after period of limitation. In view of the aforesaid, after placing reliance in the case of S.S.Rathore Vs. State of Madhya Pradesh, 1990 SCC (L&S) 50 and in the case of Ramesh Chand Sharma etc. Vs. Udhamp Singh Kamal and others, 2000 (2) ASW 89, this O.A. is liable to be rejected as barred by limitation.

4. O.A. is accordingly dismissed as grossly time barred at the admission stage with no order as to costs.

Adv

*At*  
(A.K.Bhatnagar)  
M(J)

Issued  
On 22/11/03

At  
B2 Mag. Adv.  
MP High Court, JPB  
21.11.03

"SA"