

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

CIRCUIT COURT AT GWALIOR

Original Application No. 554 of 2002

Gwalior, this the 25th day of April 2003

Hon'ble Shri R.K. Upadhyaya --- Administrative Member.  
Hon'ble Shri J.K. Kaushik --- Judicial Member.

Ganesh Ram Shakya, S/o. Shri Naktu Ram, aged 29 years, Occupation- Unemployed, R/o. Opp. Dauji Ka Mandir, Purani Chhawni, Post Office Motijheel, Gwalior. ... Applicant

(By Advocate - Shri Shiraz Quraishi)

V e r s u s

1. Union of India,  
Through Secretary,  
Department of Post,  
Dak Bhawan, New Delhi.
2. Principal Chief Post Master General,  
MP Circle, Bhopal (MP).
3. Post Master General,  
Indore Region, Indore (MP). ... Respondents

O R D E R (Oral)

By R.K. Upadhyaya, Administrative Member :-

By this O.A., the applicant has sought a direction to be issued to the respondents for compassionate appointment on the post of Postman/Peon or any other suitable post with the respondent-department.

2. It is stated that the applicant's father Shri Naktu Ram was Postman who died in harness on 12.5.1993 (sic 12.5.1991). It is stated that the elder brother of the applicant is working as casual labourer and the younger brother of the applicant is a minor. The applicant claims that he has passed 10+2 examination and being educated person and being a son of the deceased Government employee, he should have been appointed by the respondent-department on compassionate grounds. In this connection

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it is claimed that an application for compassionate appointment was made as early as on 9.7.1993 (Annexure-A-2). The learned counsel of the applicant further states that the respondents have been reminded from time to time but no order for compassionate appointment has been issued so far. In this connection, he also invited attention to the correspondence made by the Principal Chief Postmaster General, M.P. Circle, Bhopal as per letter dated 26.11.2001 (Annexure-A-4) by which the application of the applicant dated 3.3.2001 was forwarded to the Postmaster General, Indore Region for necessary action. In the opinion of the learned counsel of the applicant, since there has been reminders and representations from time to time, the application now filed before this Tribunal is within limitation and the respondents be directed to consider the case of the applicant for compassionate appointment.

3. We have heard the learned counsel of the applicant and have perused the material available on record.

4. There is no dispute that the applicant's father died on 12.5.1991. If a representation was made and no decision was taken by the respondents, the applicant should have approached this Tribunal within the period of limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985. This OA filed on 6.8.2002 is apparently belated one. There is no application for condonation of delay. In <sup>unstatutory</sup> any case, repeated reminders and representations do not extend the period of limitation, as has been held by the Hon'ble Supreme Court in the case of S.S. Rathore Vs. State of Madhya Pradesh, AIR 1990 SC 10. Therefore, this OA deserves to be rejected on the ground that it is belated one. However, the present application deserves to be rejected even on merits also.

5. The applicant's father died in the year 1991. The scheme of compassionate appointment is to render immediate assistance to the surviving members of the deceased

Government employee. The mere fact that the members of the family have survived for more than a decade indicates that there are some other sources of income to the members of the family of the deceased Government employee. Besides, merely because the applicant happens to be the son of the deceased Government employee, who died in harness, does not automatically give him a right to induction in Government service as if it was in the line of inheritance. Admittedly, the elder brother of the applicant is having some employment. On the facts of this case, we do not find any justifiable reason to direct the respondents to consider the claim of the applicant for compassionate appointment at this belated stage after more than a decade of the death of the deceased Government employee.

6. For the reasons mentioned in the preceding paragraphs, this application is rejected both on the ground of limitation as well as on merits at the admission stage itself.

JK Kaushik  
(J.K.Kaushik)  
Member (Judicial)

R.K.Upadhyaya  
(R.K.Upadhyaya)  
Member (Admnv.)

rkv.

प्राप्तकर्ता सं ओ/न्या.....जवलपुर, दि.....

प्राप्तिनिधि नाम दिनांक -

- (1) रामेश, पात्र विवाहित, राम एस्टेट्स, जवलपुर
- (2) अंदेश, विवाहित, राम एस्टेट्स, जवलपुर
- (3) विवाहित, विवाहित, राम एस्टेट्स, जवलपुर
- (4) विवाहित, विवाहित, राम एस्टेट्स, जवलपुर

सूचना एवं आवश्यक कार्यवाही हेतु

Shivaji Kurashi  
उपराज्यकार्यकाल  
21/5/03

lgn