

CENTRAL ADMINISTRATIVE TRIBUNAL

JAIPUR BENCH.

O.A.NO.71 of 2005

March 14, 2005.

CORAM : HON'BLE MR.KULDIP SINGH, VICE CHAIRMAN.

Chaturbhuj Sharma S/o Late Shri Mohan Lal Sharma, resident of
Gadhi Himmat Singh, via Mandawar, Mahua Road, District Dausa.

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Applicant

By : Mr.H.C.Ganeshia, Advocate.

Versus

1. Union of India through Secretary, Ministry of Telecommunication,
Sanchar Bhawan, New Delhi.
2. Chief General Manager, Department of Telecommunication,
Rajasthan Circle, Sardar Patel Marg, Jaipur.
3. The Sub-Divisional Officer, Department of Telecommunication,
Hanumangarh, District Ganganagar.
4. The Divisional Officer (Engg.), Telecom Division, Sri Ganganagar.

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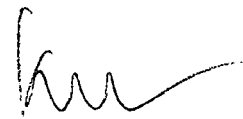
Respondents

By : None.

ORDER (ORAL)

KULDIP SINGH, VC

This O.A has been filed by the applicant seeking appointment on
compassionate grounds. The facts as projected by the applicant are
that his father Shri Mohan Lal Sharma was working as Sub Inspector
(T) at Hanumangarh Junction Telephone Exchange Office. He expired
on 11.3.1989. The applicant thereafter filed an O.A.560/1993 before
this Tribunal, which was disposed of vide orders dated 30.9.2003.

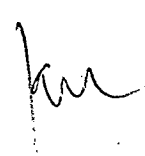


(Annexure A-1). According to the said order, the applicant had expressed his intention to withdraw the O.A as he intended to make a detailed representation regarding his grievance to the concerned authorities. Accordingly, he was allowed to withdraw the O.A by orders dated 30.9.1993.

In the present O.A the applicant submits that after disposal of the earlier O.A. he has been making various representations but nothing has been heard from the respondents and they have been sitting tight over the matter.

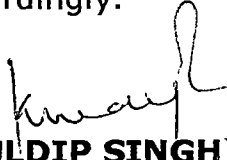
I have heard the learned counsel for the applicant and gone through the record.

Admittedly, the applicant's father had expired on 11.3.1989 and the present O.A has been filed on 28.2.2005 i.e. after a lapse of period of about 15 year. It is further astonishing to note that the applicant had filed O.A. earlier in 1993 which was withdrawn on 30th September, 1993 with an intention to make a detailed representation to the department regarding his grievance. Thereafter he claims to have made representations to the department but he has not heard anything from the department. This contention of furnishing various representations by applicant appears to be doubtful for the simple reason that after 1993, the applicant has not approached the Court well within the time despite the fact that the representation had not been answered by the department. The applicant should have approached this Tribunal within the period of limitation as provided in Section 21 of the Administrative Tribunals Act, 1985 but he kept on waiting for about 15 years. It appears that the applicant was himself



not interested in the appointment on compassionate grounds, that is why he kept kept sitting tight over the matter after 30th September, 1993, for such a long time. In other words inference can be drawn that the family was able to pull on for all these years. It is well settled law that the appointment on compassionate grounds cannot be granted after lapse of such a long period as the very purpose of giving appointment on compassionate grounds is to help the family which has fallen into financial crises due to sudden death of the breadwinner. In this case the father of the applicant died in 1989 and it is in 2005 that the present O.A has been filed. The sequence of events give credence to the belief that the family of the deceased was not in indigent condition as it has been able to feed itself for about 15 years and thus the element of urgent help to the family of the deceased is altogether missing.

In view of this, the O.A turns out to be badly hit by delay and laches and devoid of any merits and is liable to be dismissed in limine as I do not find it to be a triable case. Ordered accordingly.


(KULDIP SINGH)
VICE CHAIRMAN

March 14,2005.

HC*