

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No.4268 of 2013

Orders reserved on : 06.09.2018

Orders pronounced on : 07.09.2018

Hon'ble Ms. Nita Chowdhury, Member (A)

Arun Kushwaha,
s/o Late Sh. Chhabu Mandal,
R/o C/o Geeranand Yadav,
21/3, Mathura Road,
Near Canal, Ballabgarh,
Faridabad, Haryana-121004.

....Applicant

(None present even on revised call)

VERSUS

1. General Manager,
Eastern Railway Kolkata,
17, Near Fairly Place,
Kolkata-700001.
2. Chief Works Manager,
Jamalpur Locomotive Workshop,
Jamalpur, Eastern Railway,
Jamalpur, Bihar.

.....Respondents

(By Advocate : Shri Kripa Shankar Prasad)

O R D E R

This OA was earlier dismissed in default vide Tribunal's Order dated 23.12.2013. However, subsequently it was revived and this is a matter asking for compassionate appointment. Thereafter the applicant was again innumerable opportunities, i.e., on 28.2.2018, 4.4.2018, 16.4.2018, 23.5.2018, 25.7.2018, 31.7.2018 1.8.2018 and 2.8.2019. Today also no body appeared for the applicant despite it being made clear to him on previous date of hearing as under:-

“..Thereafter, applicant has not been appeared despite several opportunities having been given. Last opportunity is given to appear on the next date of hearing.”

2. Hence, this Court proceeds to decide this case in view of the provisions of Rule 15 of the CAT (Procedure) Rules, 1987 and heard Shri Kripa Shankar Prasad, learned counsel for the respondents, who informs that the said deceased employee Sh. Chhabu Mandal had worked as casual labour in the office of Chief Loco Manager, Jamalpur and was removed from service on 15.4.1971 on account of unauthorized absence. He further submits that this is a very stale matter and this OA is not maintainable on the ground of limitation as this Application is hopelessly time barred. However, he further informs that deceased employee has already been paid all his dues vide CO7 No.375 dated 10.11.1971. Thereafter this applicant had approached the Lok Adalat at Munger in this matter and in 2011, the said Lok Adalat had clearly said that they have no jurisdiction to decide the matter and the applicant could approach the respondents. Before that the applicant had also approached the Central Information Commission, who had disposed of his matter on 18.5.2010/16.06.2010. Thereafter the applicant spent a lot of time in approaching public authorities but only thereafter approached this Tribunal. Even before this Tribunal, his matter was initially dismissed on 23.12.2013 in default. Even after revival of the OA, prosecution of the same could not be said to be diligent.

3. Counsel further submits that in this OA, the applicant has averred that the brother of the applicant had requested for employment on compassionate in 1984. Thereafter after the

brother of the applicant stopped pursuing the case, the present applicant has filed for compassionate appointment. He has himself admitted in the OA that the matter is more than 40 years old, hence, counsel further submits that it is clear that matter is over 40 years old and they are not even sure that how the applicant considers himself to be entitled for compassionate appointment.

4. Counsel also points out that the applicant has not provided any evidence in respect of being claimant of any relief as a son of late Shri Chhabu Mandal, the deceased employee. He also states that it is not open to the applicant to state that even though deceased employee had been removed from service after following due process of law, he is entitled to any benefits.

5. Accordingly, as from the above, it is clear that the deceased employee was removed from service in the year 1971 due to unauthorized absence following due process of law and as the applicant has never challenged the order of removal of deceased employee from service, which is vide order dated 17.4.1971, and as the applicant has not submitted to the respondents any evidence in respect of his claim as a son of deceased employee, hence, the action of the respondents in not considering his claim for compassionate appointment is found to be sustainable. Accordingly, the present OA is dismissed. There shall be no order as to costs.

**(Nita Chowdhury)
Member (A)**

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