

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION No. 170/01040/2016
DATED THIS THE 04TH DAY OF DECEMBER, 2017

HON'BLE SHRI DR. K.B. SURESH, MEMBER (J)
HON'BLE SMT B. BHAMATHI, MEMBER (A)

Sri Mahammadarafik Sopegar
S/o Late Dadepeer
Aged about 32 years,
Presently R/at H.No. 192, Sidling Nagar,
Hudco Colony, Gadag Taluk
Gadag District – 582 101

... Applicant

(By Advocate Shri M.G. Udaneshwara)

Vs.

1. Union of India,
Represented by its Secretary,
Ministry of Culture,
Archaeological Survey of India,
New Delhi – 110 001.

2. The Director General,
Archaeological Survey of India,
New Delhi – 110 001.

3. Superintendent of Archaeological Survey,
Behind Kannada Sahitya Bhavan,
Near R.N. Shetty Stadium,
Dharwad – 580 008.

... Respondents

(By Shri M. Rajakumar, Senior Central Government Counsel)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

Heard. The question of belated application may not arise in this case as the applicant had apparently applied in time. The delay, if at all, is in consideration and therefore for no fault of the applicant he cannot be

prejudiced. Annexure-A11 order is therefore quashed. A mandate is issued to the respondents to reconsider the application in relation to the situation as it would have existed on the date of first consideration following the death of the government employee.

2. The respondents aver that the applicant's father expired in the year 2007 and it is seen by Annexure-A7 that his application has been forwarded in 2008 itself. The respondents would say in paragraph 4 of the reply that the applicant made a request in 2012 and they considered it in 2012 and found it to be a belated application in 2016. This does not seem to be factually correct for the very simple reason that if they have forwarded the application, in all probability, they may have lost it in transit or in the office. For that mistake the applicant cannot be made responsible. For the fault of the respondents, the applicant need not suffer. We therefore quash Annexure-A11. The OA is allowed to the limited extent with a mandate to the respondents to reconsider the application. No order as to costs.

(B. BHAMATHI)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No.170/01040/2016

Annexure A-1: True copy of Death Certificate of the applicant's father dated 30.07.2007

Annexure A-2: True copy of Survival Certificate dated 14.11.2007 issued by the Tahsildar, Gadag

Annexure A-3: True copy of certificate dated 16.10.2009 issued by Village Accountant, Lakkundi

Annexure A-4: True copy of certificate dated 16.10.2009 issued Secretary, Grama Panchayath Lakkundi.

Annexure A-5: True copy of letter of Central Pension Accounting Office, New Delhi dated 02.01.2009

Annexure A-6: True copy of SSLC marks card of the applicant

Annexure A-7: True copy of letter No. 6/11/2007/ADM/1513 dated 07.03.2008

Annexure A-8: True copy of representation dated 29.06.2012 by Smt. Dadibi D Sofegar.

Annexure A-9: True copy of postal receipts sent to the respondents

Annexure A-10: True copy of legal notice dated 06.10.2015 sent by advocate Shri B.K. Patil

Annexure A-11: True copy of Endorsement No: 6/11/2016-17/Adm/5187 dated 08.07.2016

Annexures with reply statement:

Nil
