

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**MUMBAI BENCH, Mumbai.**

**ORIGINAL APPLICATION No.278/2017**

**Dated of Decision:07.06.2017.**

***CORAM: HON'BLE DR. MRUTYUNJAY SARANGI, MEMBER (A)***

Shri Girish Maruti Lad,  
 R/at Block No.416,  
 Panchsheel Housing Society,  
 Subhash Tekdi, Ulhasnagar-4,  
 Dist. Thane.

...

***Applicant***

***(By Advocate Shri V.N. Tayade )***

**Versus**

1. Union of India, through  
 The Chief General Manager,  
 Central Railway, CST,  
 Mumbai 400 001.
2. The General Manager,  
 Head Quarters, CST,  
 Mumbai 400 001.
3. The Chief Workshop Manager,  
 Central Railway,  
 CWM'S Office, Parel,  
 Mumbai – 400 012.
4. The Senior Personnel Officer,  
 Chief Workshop Manager,  
 CWM'S Office, Parel,  
 Mumbai – 400 012.

...

***Respondents***

**ORDER (Oral)**

*Per : Dr. Mrutyunjay Sarangi, Member (A)*

The Applicant has filed this OA praying  
 for the following reliefs;

*“8.a That this Hon'ble Tribunal be pleased to allow the Original Application filed by the applicant while directing the respondents to consider the applicant for appointment on the “Compassionate Ground”.*

b) *That this Hon'ble Tribunal be pleased to hold & declare that the applicant is entitled to be appointed on the post of any Class II or any Class IVth Post in the respondent organization on "Compassionate Ground".*

c) Any other and further reliefs be granted in favour of the applicant for which he is entitled to.

2. The brief facts of the case, as they appear from the OA, are as follows:

i) The Applicant's father Late Shri Maruti Govind Lad, who was working in the CWM's office at Parel Workshop, Mumbai, had expired on 01.04.1992. The Applicant's mother, Mrs. Sugandha Maruti Lad, his sister Ms. Suman M. Lad and his elder brother Shri Bharat Maruti Lad had earlier applied for compassionate appointment in succession but had not got compassionate appointment on various grounds. The Applicant's mother was 70 years old at the time of filing of the OA, his sister was already married and his brother had expired.

(ii) The applicant has applied for compassionate appointment on the ground of dire need. He has challenged the order passed by the CWM's office, parel, Mumbai dated 20.02.2004 which reads as follows:

“No.EI(B)/PL/PR/0347

*Dated: 20.02.2004*

*Shri Girish Maruti Lad,  
Block No.416, Panchsheel Housing Society,*

*Subhash Tekdi, Ulhasnagar-4.*

*Sub: Appointment on compassionate ground to Shri Girish, 2<sup>nd</sup> Son of Shri Maruti Govind Lad, Ex-employee of Parel Work Shop, declared medically unfit on 21.03.1987, while in service.*

*Ref: Your application dated 05.08.2003.*

*Reference to your application quoted above, it is regretted to inform you that your request for compassionate appointment cannot be agreed to, since the case is coming under the purview of "Time Barred Case".*

*This has disposed off by your application quoted under reference.*

*Sd/-  
(G.R. Galgali)  
SPO, Parel,  
For CWM, Parel."*

iii) The impugned order dated 20.02.2004 was passed more than 12 years before the OA was filed in October, 2016. The Applicant had not challenged the order in 2004. He claims that he had submitted a few representations. The documents attached to the OA shows that the applicant's mother had submitted a representation on 12.04.2010 and 23.08.2011 praying for appointment to the applicant on compassionate ground.

**3.** The Applicant has also filed **MA No. 292/2017** for condonation of delay. The Applicant has not given any valid reason for the delay of more than 12 years in challenging the

impugned order and in praying for compassionate appointment. He has simply stated that he is unemployed and he is in dire straits for want of economic resources.

**4.** The Applicant's father was working as a Fitter and was declared medically unfit on 21.03.1987. He subsequently died in 1992. The Applicant's mother, sister and elder brother were not found eligible for compassionate appointment. His own application for compassionate appointment was rejected vide impugned order dated 20.02.2004. It is quite obvious that the applicant has not approached this Tribunal in time and had chosen to do so only after a gap of 12 years. In MA No.292/2017 for condonation of delay he has also not put forth any convincing reason for the delay.

**5.** The issue of delay in approaching the appropriate judicial forum has been dealt with in a number of judgments of Hon'ble Supreme Court and Hon'ble High Courts. Unexplained and inordinate delay in filing applications has been conclusively and comprehensively declared as a legally valid ground for rejection of cases.

**(Chairman, U.P. Jal Nigam & Anr. Vs. Jaswant Singh & Anr, (2006)**

**11 SCC 464, Bhoop Singh Vs. Union of India [AIR 1992 SC 1414],**

**Ratan Chandra Samanta Vs. Union of India & Ors., 1993 (1) SC SLJ 410, Union of India & others Vs. M. K. Sarkar reported in 2010 (2) SCC 59, Baswaraj & Anr. Vs. The Spl. Land Acquisition Officer, (2013) 14 SCC 811, State of Uttarakhand & Another Vs. Sri Shiv Charan Singh Bhandari & Others, 2014 (2) SLR 688 (SC), Bharat Sanchar Nigam Limited Vs. Ghanshyam Dass (2) & Others [2011 (4) SCC 374 : [2012 (4) SLR 711 SC, Jagdish Lal Vs. State of Haryana [1977 (6) SCC 538 and State of T.N. Vs. Seshachalam [2007 (10) SCC 137 : [2007 (2) SLR 860 (SC)].**

6. It is pertinent to quote the Hon'ble Supreme Court's observation in **Bhoop Singh (Supra)** :-

*"It is expected of a Government servant who has a legitimate claim to approach the Court for the relief he seeks within a reasonable period, assuming no fixed period of limitation applies. Under the Administrative Tribunals Act, 1985, there is a prescribed period of limitation for approaching this Tribunal. In the instant case, the applicants are claiming relief from 1988-1989 onwards by filing the present Original Applications in the year 2011. Such inordinate and unexplained delay/lapse is itself a ground to refuse relief to the applicants irrespective of the merits of their claim. If a person entitled to a relief chooses to remain silent for long, he thereby gives rise to a reasonable belief in the minds of others that he is not interested in claiming that relief."*

Similarly in **Baswaraj & Anr. (Supra)** the Hon'ble Supreme Court has held that the Court has no power to extend the period of limitation on equitable grounds. In case there was no sufficient cause to prevent a litigant to approach the court on time condoning the delay

without any justification, putting any condition whatsoever, amounts to passing an order in violation of the statutory provisions and it tantamounts to showing utter disregard to the legislature.

7. The present OA is therefore dismissed in limine on grounds of delay under section 21 of Central Administrative Tribunals Act, 1985.

***(Dr. Mrutyunjay Sarangi)***  
***Member (A)***

*dm.*