

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**JABALPUR**

**Original Application No.200/00079/2018**

(with MA No.200/00093/2018)

Jabalpur, this Thursday, the 25<sup>th</sup> day of April, 2019

**HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER**

Pritesh Dongre, S/o Late Shri P.C. Dongre, aged 33 years, R/o 09 Awasthi Chowk, Bhandariya Road, Khandwa (M.P.) 450001  
-Applicant

**(By Advocate – Shri Rajendra Shrivastava)**

**V e r s u s**

1. Union of India through its Secretary, Department of Post, Dak Bhawan, Sansad Marg, New Delhi 110001.
2. Chief Post Master General, M.P. Circle, Bhopal (M.P.) 462012.
3. Superintendent, Railway Mail Servises, I.D. Division, G.P.O. Indore (M.P.) 452001.
4. Post Master, Railway Mail Service, City Post Office, Bombay Market, District Khandwa (M.P.) 450001

-Respondents

**(By Advocate – Shri P.K. Chourasia)**

**O R D E R (O R A L)**

This Original Application has been filed by the applicant for grant of compassionate appointment to him. He has also filed MA No.200/00093/2018 for condonation of delay in filing this Original Application.

2. Heard learned counsel for the parties.
3. In the case of **Umesh Kumar Nagpal vs. State of Haryana & Ors.** (1994) 4 SCC 138, the Hon'ble Supreme Court held as under:-

*“The whole object of granting compassionate employment is thus to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post for post held by the deceased. What is further, mere death of an employee in harness does not entitle his family to such source of livelihood. The Government or the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family”.*

4. In the instant case, father of the applicant expired on 22.06.2009. Thereafter, the applicant submitted an application on 15.07.2009 (Annexure A-2) for grant of compassionate appointment. His case was considered by the Circle Relaxation Committee vide its meeting held on 11.01.2011 and 19.07.2012. However, he was not found fit by the committee and, accordingly, his case was rejected on 24.02.2011/04.03.2011 (Annexure A-5). The applicant was subsequently apprised about rejection of his case on 07.11.2012 (Annexure A-7) and

thereafter on 02.06.2014 (Annexure A-9). Hence, there is a delay of almost seven years in filing this Original Application.

5. Section 21 of the Administrative Tribunals Act, 1985 (for short 'the Act') deals with limitation for filing O.A. before this Tribunal, which reads as under:-

**“21. Limitation.-** (1) A Tribunal shall not admit an application,-

(a) in a case where a final order such as is mentioned in clause (a) of sub-section (2) of section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;

(b) in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of section 20 has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months.

(2) Notwithstanding anything contained in sub-section (1), where-

(a) the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates; and

(b) no proceedings for the redressal of such grievance had been commenced before the said date before any High Court.

the application shall be entertained by the Tribunal if it is made within the period referred to in clause (a), or, as the case

may be, clause (b), of sub-section (1) or within a period of six months from the said date, whichever period expires later.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), an application may be admitted after the period of one year specified in clause (a) or clause (b) of section (1) or, as the case may be, the period of six months specified in sub-section (2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period.”

6. From the perusal of the aforesaid section, it is clear that under the Act, the limitation has been prescribed for filing O.A. before this Tribunal as one year from the date of cause of action. The same can be extended by another six months from the date of filing of appeal if the same is not decided.

7. In the present case, the cause of action arose in favour of the applicant in the year 2011 when his case for grant of compassionate appointment was rejected. He could have approached the Court within the time as prescribed under the Act. Merely by making repeated representations does not extend the period of limitation, as provided under Section 21 of the Act. Further, there is no such averment in the application for condonation of delay by explaining each and every day in not filing the Original Application within the limitation. Therefore, the O.A is liable to be dismissed as barred by limitation.

**8.** Even on merits, the respondents have categorically stated that the applicant secured only 43 merit points, whereas the last selected candidates, recommended vide CRC minutes dated 11.01.2011 and 19.07.2012, scored 65 and 71 points respectively. Therefore, due to limited number of vacancy and more deserving cases having higher merit points, the applicant could not be offered compassionate appointment.

**9.** In the result, the Original Application is not only barred by limitation but also devoid of merits. Accordingly, the O.A is dismissed. No costs.

**(Navin Tandon)  
Administrative Member**  
am/-