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CENTRAL ADMINISTRATIVE TRIBUNAL CALCUTTA BENCH

No. O.A. 350/00857/2014

Date of order: 29.1.2016

Present : Hon'ble Ms. Urmita Dutta (Sen), Judicial Member

ANIMA CHAKRABORTY & ANR.

VS.

UNION OF INDIA & ORS. (Telecom)

For the Applicants : None

For the Respondents : Mr. B.P. Manna, Counsel
(appearing for Union of India)

Mr. S. Panda, Counsel
(appearing for BSNL)

O R D E R (Oral)

None appears for the applicant. However, Mr. B.P. Manna, Ld. Counsel appears for Union of India and Mr. S. Panda, Ld. Counsel appears for BSNL.

2. They respondents have prayed for dismissal of this original application since it is hopelessly barred by limitation. The death of husband of the applicant occurred in the year 1988 and no miscellaneous application seeking condonation of delay has been filed along with this original application. As per the respondents, the husband of the applicant died on 24.6.1988 and thereafter the applicant made representations seeking compassionate appointment, which were duly considered and rejected.

3. The Ld. Counsel for the respondents has drawn my attention to a letter dated 24.7.2002 (Annexure R-2 of the reply filed by the Union of India), wherefrom it would be evident that the case of the applicant was considered by the District High Power Committee in January, 2002 but was not recommended vis-à-vis 5% DR quota considering the existing vacancy, terminal benefits, liability of the family. Thereafter the applicant made several correspondences but never challenged the said order by way of filing any O.A. before this Tribunal. Ultimately

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this instant O.A. has been filed in the year 2014 seeking redressal of her grievance. The Ld. Counsel for the respondents submits that mere submission of repeated representations cannot condone the delay and has sought for dismissal of this O.A. on the ground of limitation itself as well as on merits.

4. I have gone through the records and perused the materials available on records.

5. It is noted that the husband of the applicant died in the year 1988 and her prayer seeking for compassionate appointment was considered in the year 2002 and was rejected, which is evident from the letter dated 24.7.2002 filed by the Union of India (Annexure R-2 of the reply). However, the applicant never challenged the same but made repeated representations seeking redressal of her grievance.

The Hon'ble Apex Court in the case of **Umesh Kumar Nagpal v. State of Haryana** reported in **1994 SCC (4) 138** has categorically held that compassionate appointment cannot be claimed as a matter of right. The sole objective of providing compassionate appointment is to overcome the sudden financial crises caused due to death of the bread earner of the family.

Moreover, mere submission of repeated representations cannot waive the limitation in filing of an application.

6. Since considerable time has already elapsed, the main purpose of granting compassionate appointment is also frustrated. Moreover, her case was already considered and rejected in the year 2002.

7. In view of the above, the O.A. is dismissed being hopelessly barred by limitation. No order as to costs.

(U.D. Sen)
MEMBER(J)

SP