

(2018) 12 CAT CK 0043

In the Central Administrative Tribunal

Case No : Original Application No. 060, 01457 Of 2018

Gagan Parsad

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 18-12-2018

Acts Referred:

Citation : (2018) 12 CAT CK 0043

Hon'ble Judges : Sanjeev Kaushik, J;P. Gopinath, J

Bench : Division Bench

Advocate : Raj Karan Singh Verka

Final Decision : Dismissed

Judgement

1. In the present Original Application (O.A.) the applicant seeks issue of a direction to the respondents to consider his case for appointment on compassionate grounds on demise of his father.
2. We have heard the learned counsel for the applicant and gone through the record.
3. Admittedly, the father of the applicant, who was working as Chowkidar, in Group- D category, unfortunately died on 11.9.2003. Immediately, thereafter the applicant submitted representation on 22. 09.2003 and thereafter as per submission made by the learned counsel, he has consistently been following his case with the respondents for appointment on compassionate grounds.
4. Learned counsel for applicant drew our attention to a communication dated 14.7.2005 whereby certain information was asked from the applicant. He submitted that after supplying the desired information the applicant is consistently in touch with the respondents, but they have not decided his claim till date. Therefore, he prayed that a direction be issued to the respondents to decide his claim for compassionate appointment by passing a reasoned and speaking order.

5. We are afraid that any direction can be issued to respondents at this belated stage. It is now well settled by the Apex judicial dispensation that compassionate appointment cannot be claimed as a matter of right. It is meant only to mitigate the hardship faced by the bereaved family on the demise of breadwinner. Father of the applicant had died long back on 11.9.2003. His representation though made thereafter on 22.9.2003, but no decision has been taken thereon. Then he had to approach the Court of law in time. Annexure A-2 dated 23.8.2005 makes it clear that the case of the applicant had been considered by the respondents and he was informed that there was no vacancy against which he could be considered for compassionate appointment. Therefore cause of action, if any, arose in favour of the applicant on 23.8.2005 and O.A. filed in 2018 is highly barred by time.

6. Considering the above and that repeated representations do not extend the period of limitation, as has been held by the Hon'ble Supreme Court in the case of S.S.Rathore Vs. State of Madhya Pradesh (JT 1989 (3) 530), the O.A. fails and is accordingly dismissed being barred by limitation.