
(2014) 05 JH CK 0022
In the Jharkhand High Court
Case No : W.P. (S) No. 924 of 2014

Ketku Prasad Yadav

APPELLANT

Vs

The Union of India

RESPONDENT

Date of Decision : 07-05-2014

Acts Referred:

Administrative Tribunals Act, 1985 — Section 20, 21(1)(a)

Citation : (2014) 3 JLJR 161

Hon'ble Judges : R. Banumathi, C.J;S. Chandrashekhar, J

Bench : Division Bench

Advocate : Manoj Tandon, Advocate for the Appellant; Jalisur Rahman, J.C. to S.C. Rlys, Advocate for the Respondent

Final Decision : Dismissed

Judgement

1. This writ petition is filed challenging the order dated 15.05.2013 passed by the Central Administrative Tribunal, Patna Bench (Ranchi Circuit Bench) in O.A. No. 158 of 2011 (R). The father of the petitioner, Late Dineshwar Prasad Yadav was posted as Khalasi/Helper under IOW/MDP, Madhupur in the District of Deoghar and he died in harness on 07.10.2003. The mother of the petitioner is being paid family pension in accordance with law. The petitioner submitted an application for compassionate appointment alongwith other relevant documents and the educational certificates, but the application of the petitioner was rejected on 27.09.2005 on the ground that the investigation revealed that the petitioner failed in the matriculation examination whereas, he is claiming the post of Group "C" on the basis of forged matriculation certificate.

2. Thereafter, another application was made by the mother of the petitioner on 17.01.2007 to the 2nd respondent to the effect that the petitioner is ready to take up compassionate appointment in Group D. Since, the respondent did not take any decision on the said representation, the petitioner sent legal notice through his lawyer on 28.03.2011 to the 2nd respondent. Alleging that no action has been taken by the 2nd respondent, the petitioner filed O.A. No. 158 of 2011

(R) seeking to quash the order dated 27.09.2005 and also seeking for a direction to the respondent to give compassionate appointment to the petitioner. The said Original Application was dismissed on 15.05.2013 on the ground of limitation that the application was filed beyond the period of one year of the order passed by the authorities (dated 27.09.2005) and also holding that he has furnished forged Matriculation certificate. The order in the Original Application is challenged in this writ petition.

3. The learned counsel appearing for the petitioner Mr. Manoj Tandon, submitted that the representation was made to the 2nd respondent to the effect that the petitioner is ready to accept even the post of Group D because he was failed candidate in the Secondary School Examination conducted by the Bihar School Examination Board, Patna and the same was not considered by the authorities. The learned counsel for the petitioner submitted that the petitioner belongs to the weaker sections of the society and that he was claiming Class IV post and only due to illiteracy, the petitioner could not approach the Tribunal in time and while so, the Tribunal ought not to have dismissed the application on the ground of limitation.

4. The learned counsel for the petitioner further submitted that even a Metric failed person is entitled for compassionate appointment on Class IV and therefore, the case of the petitioner ought to have been considered for appointment at least on Class IV post.

5. We have heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondent- Railways.

6. Even at the outset, it is to be pointed out that the petitioner had filed O.A. No. 158 of 2011(R) before the Tribunal to set aside the order in Letter dated 27.09.2005, whereby the application for compassionate appointment of the petitioner was rejected. As per Section 21(1)(a) of the Administrative Tribunals Act, 1985, a Tribunal shall not admit an application 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. In this case, the order impugned was the order dated 27.09.2005; whereas, the Original Application was filed in the year, 2011 nearly six years after the impugned order was passed. The Original Application filed by the petitioner was apparently barred by limitation. While dismissing the matter on the ground of limitation and also on merit in para 10 of the order, the Tribunal has also taken note of annexures submitted by the petitioner before the authorities and the Tribunal has observed that the petitioner tried to obtain appointment on compassionate ground against a Group "C" post by submitting false document. The petitioner could not controvert the same.

7. We do not find any infirmity in the impugned order dated 15.05.2013 and this writ petition is liable to be dismissed. Accordingly, this writ petition stands

dismissed.