IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.8295 OF 2019

Suman Chauhan wd/o Late Suresh Kumar Chauhan, Housing Board Colony, Chhindwara (MP)
-vs-
Union of India Thr. Its General Manager, S.E.C. Railway, Bilaspur and anr.

Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders.

Shri C. L. Deharia, Advocate for petitioner
Shri N. S. Deshpande, Assistant Solicitor General of India for respondents.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.
DATE : July 14, 2022

The petitioner challenges the order dated 19/04/2018 by which the Central Administrative Tribunal has dismissed the Original Application filed by the petitioner seeking appointment on compassionate ground.

2. Heard.

It is the case of the petitioner that her husband who was serving with the Railways died in harness on 05/01/2000. Her son was a minor at that point of time. On attaining the age of majority in the year 2003, an application for employment assistance was made in the year 2003. That application was rejected by the Authorities after noting that the date of birth of her son was incorrectly shown by the petitioner. This rejection

order was dated 23/07/2010 and it is this order that was challenged before the Central Administrative Tribunal by filing Original Application on 22/01/2015. The Tribunal by the impugned order has found that there was no explanation furnished by the petitioner for the time consumed from 2010 till filing of the Original Application. The reason furnished by the petitioner that she had suffered a shock and was suffering from Schizophrenia was not accepted by the Tribunal. It was also found that despite the earlier application which was not accepted, the petitioner had filed another similar application on 19/03/2009 without any justifiable cause. A finding was recorded that when the application was moved in the year 2009 her son was above the age of twenty five years and that her husband had expired more than nine years ago.

3. After hearing the learned counsel for the petitioner we do not find that the Tribunal committed any error when it refused to entertain the Original Application. The aspect of giving incorrect date of birth of her son has not been explained. The inaction on the part of the petitioner from 23/07/2010 when her request for extending employment assistance was refused till 22/01/2015 when the Original Application was filed has not

been explained. The petitioner has sought to rely upon a certificate dated 30/12/2014 given by Dr S. S. Baghel. This Court in Writ Petition No.3665/2022 *(Chhaya Samundre wd/o Late Ramesh M. Samundre, Nainpur Dist. Mandla (M.P.) -vs- Union of India Thr. Its General Manager, South East Central Railway, Bilaspur and anr.)* had occasion to consider another certificate issued by the very same doctor and after noting his qualification as 'B.Sc.DHB', the view taken by the Tribunal of doubting that certificate in the said proceedings was upheld. We find no reason to take a different view of the matter in the present case. The husband of the petitioner having expired in the year 2000, her claim having been disallowed in the year 2010 and the Original Application having been filed in the year 2015, the Tribunal was justified in not entertaining the proceedings on the ground of delay as well as lack of merit in the claim for compassionate appointment. The writ petition is therefore dismissed with no order as to costs.

(Urmila Joshi-Phalke, J.) (A. S. Chandurkar, J.)

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Signing Date:20.07.2022 10:56:40