

5.7.93

DA-400/93

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Present:- Shri B.S. Charya, Counsel for the Applicant.

Shri Sant Lal, the father of the Applicant, was an L.D.C. who died in harness while working in the Delhi Admn. on 21.12.1991, as a result of a fatal accident which occurred on 17.12.1991. In this application, the applicant has prayed for a direction to the respondents to give compassionate appointment to him in Grade II post of DASS Cadre. It appears that during the pendency of these proceedings, the applicant has been offered compassionate appointment to a Grade IV post and the same has been accepted by him. The learned counsel for the applicant also concedes that the applicant is working on that Grade IV post, but his contention is that under extreme necessity of survival and self-preservation, the applicant has accepted that lower category job than to which he is entitled.

2. After hearing the contention of the learned counsel at some length, & I allow Shri B.S. Charya to withdraw his application and to agitate the matter on the fresh cause of action which has accrued to the applicant, i.e., providing compassionate appointment on a lower category post during the pendency of the application than in Gr.II of the post to which the applicant is entitled. The learned counsel also wants to challenge the circular issued by the Delhi Administration. None appears on behalf of the respondents. In view of these facts and circumstances, the present application is dismissed as

withdrawn with liberty to the applicant to agitate the matter on the fresh cause of action that has accrued, if so advised, i.e., for consideration for compassionate appointment to Gr.II post and also to challenge the relevant circular of the Delhi Admn. In the circumstances, the order is passed accordingly, leaving the parties to bear their own costs.

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(J.P. Sharma)
Member(J) 5.7.93