



Central Administrative Tribunal
Principal Bench, New Delhi

**OA No.966/2021
MA No. 1221/2021**

New Delhi, this the 7th day of May, 2021

Through video conferencing

Hon'ble Mr. Tarun Shridhar, Member (A)

Rajat Singh s/o Sh. Jiwan Kumar Saini,
R/o H.No. B-1/12, Type-III,
Pitampura Police Lines, Delhi. ...Applicant

(By Advocate: Suresh Sharma)

Versus

1. The Commissioner of Police,
New Delhi HQs, Jai Singh Road,
New Delhi – 110 001.
2. The DCP, Establishment,
New PHQ, ND-1.
3. The Addl. DCP (Communication),
Shalimar Bagh, Delhi – 110 088.
4. The DCP (OPS & Comm)
Shalimar Bagh,
Delhi-110088. ...Respondents

(By Advocate: Shri Amit Yadav for Ms. Esha Mazumdar)

ORDER (ORAL)

The applicant is aggrieved that despite his educational qualification as Engineering Graduate, he has been offered an appointment on compassionate ground as Multi Tasking Staff (Cook) in the Establishment of Delhi Police. To be fair to the applicant, he is grateful to the respondents for offering him this appointment but he seeks appointment as



Constable (Executive)/Head Constable (Ministerial) instead of his present offer of appointment as a Cook in view of his high educational qualification. Learned counsel for the applicant points out that the applicant made a representation in this regard but the respondents' authority has not acceded to his request for giving him alternative appointment as Constable (Exe.)/Head Constable (Ministerial).

2. Learned counsel for the respondents on the other hand argues that appointment cannot be claimed as a matter of right and the applicant has been given this appointment considering the principles governing compassionate appointment that the family of the deceased government employee should not be put to undue financial hardship.

3. As a matter of interim relief, the applicant seeks a direction to the respondents not to fill one post of Constable (Executive)/Head Constable (Ministerial) in the category of posts available for compassionate appointment till the OA is decided.

4. However, I am not inclined to grant this interim relief to the applicant because no vested right accrues to him for appointment on compassionate ground. In today's time of depressed public employment, the



applicant should consider himself fortunate to have got appointment outside the competitive route in a government establishment. However, I need to also recognize the fact that since the applicant has high professional degree, probably the respondents should utilize his services in a better position. Therefore, I direct the respondents to take a considered view on the representation of the applicant and decide if an alternative post of equivalent position and salary could be offered to the applicant considering his qualification. The respondents are expected to take a decision on this request expeditiously, in any case not later than four weeks from the date of receipt of a copy of this order. Meanwhile the applicant is advised that in the event of his request not being accepted, he should join the position offered to him forthwith after a lapse of period of four weeks, till then his position to the post of MTS (Cook) is protected.

5. With the above directions, the instant OA is disposed of. There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

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