

**Central Administrative Tribunal  
Principal Bench, New Delhi**

O.A.No.1212/2016

Friday, this the 6<sup>th</sup> day of October 2017

**Hon'ble Mr. K.N. Shrivastava, Member (A)**

Hodil Singh  
Ex. Constable in Delhi Police  
PIS No.28861829  
Aged about 52 years  
s/o late Shri Lal Singh  
r/o Vill Chandpur, PO Deorou  
PS Chandosh, Dist Aligarh, UP

..Applicant

(Mr. Anil Singal, Advocate)

Versus

Govt. of NCT of Delhi through

1. Commissioner of Police  
PHQ, IP Estate, New Delhi
2. DCP (PCR)  
PHQ, IP Estate, New Delhi

..Respondents

(Mr. K M Singh, Advocate)

**O R D E R (ORAL)**

The applicant in this O.A. was working as a Constable in Delhi Police. Due to his unauthorized absence, vide Annexure A-2 penalty order dated 19.07.2011, he was dismissed from service. He submitted Annexure A-3 representation dated 02.02.2016 to the respondents for grant of compassionate allowance in terms of Rule 41 of CCS (Pension)

Rules, 1972. It was stated in the representation that his case may be considered in light of the ratio of law laid down by the Hon'ble Supreme Court in the case of **Mahinder Dutt Sharma v. Union of India & others**, (2014) 11 SCC 684. The applicant had also cited his penury condition for such consideration. The respondents have rejected the representation of the applicant vide impugned Annexure A-1 order dated 02.03.2016, which is not at all a speaking order.

2. Heard the arguments of learned counsel for parties.

3. Mr. Anil Singal, learned counsel for applicant submitted that applicant's representation has not at all been considered by the respondents in terms of the law laid down by the Hon'ble Apex Court in the case of **Mahinder Dutt Sharma** (supra).

4. Mr. K M Singh, learned counsel for respondents, on the other hand, submitted that this O.A. is hopelessly barred by limitation of time since the applicant was dismissed from service way back in the year 2011, whereas the O.A. has been filed on 22.03.2016. He further submitted that even the representation dated 02.02.2016 was also submitted after a lapse of almost 5 years.

5. Mr. Singh also drew my attention to the provisions of Rule 41 of CCS (Pension) Rules and submitted that under these rules, penury

condition of the person is not a criterion stipulated for grant of compassionate allowance. Mr. Singh also stated that the judgment of the Hon'ble Supreme Court in **Mahinder Dutt Sharma** (supra) was rendered in the year 2014, whereas the applicant had been dismissed from service much earlier to that in the year 2011 itself.

6. I have considered the arguments of learned counsel for the parties and have also perused the records.

7. I find that Annexure A-1 order is not at all a speaking order. The issue raised by the applicant in his Annexure A-3 representation dated 02.02.2016 have not at all been dealt with in the order. Such an order cannot stand scrutiny of law.

8. I, therefore, set aside Annexure A-1 order dated 02.03.2016 passed by the respondents and remit the matter to the respondents with a direction to consider the aforesaid representation of the applicant and decide it within three months from the date of receipt of a copy of this order, by passing a reasoned and speaking order.

9. O.A. accordingly stands disposed of. No order as to costs.

**( K.N. Shrivastava )**  
**Member (A)**

**October 6, 2017**  
**/sunil/**