

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

O.A.No.2586/2017

Wednesday, this the 11th day of April 2018

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

Ankit Kumar, aged about 23 years
s/o late Lakhanvir Singh
r/o Barauli, Shikarpur
Distt Bulandshahr
Uttar Pradesh - 202395

..Applicant

(Mrs. Harvinder Oberoi, Advocate for Mr. G D Chawla, Advocate)

Versus

1. Commissioner of Police
Police Head Quarters
IP Estate, New Delhi – 110 001
2. Deputy Commissioner of Police
North West District, Delhi
3. Asstt. Commissioner of Police (HQ)
North West Distt., Delhi

..Respondents

(Mr. Ramesh Shukla, Advocate for Mrs. P K Gupta, Advocate)

O R D E R (ORAL)

The applicant's late father, Lakhanvir Singh, was employed as a Constable in Delhi Police. He died in harness on 19.06.1995. The applicant, at that time, was hardly four days old. His mother, Smt. Shreepali Devi applied for compassionate appointment for herself. The respondents, vide their Annexure A-3 letter dated 20.05.1996, informed her as under:-

“With reference to your application dated 11.4.96 on the subject cited above, I am to inform that you may apply for the appointment of your son to a suitable post on compassionate grounds as and when he

attains the age of majority i.e. 18 years, which will be considered on merit at that time.”

2. After the applicant became more than 18 years old, his mother requested the respondents for granting him compassionate appointment. In connection with the said request, the Delhi Police, vide its Annexure A-4 letter dated 03.09.2014, made inquiry with the Superintendent of Police, District Bulandshahar, Uttar Pradesh with regard to the status of the family, viz. number of family members, earning/non-earning, married/unmarried children with their age, occupation, source of income and financial condition/property of the family of the deceased. The respondents finally, vide their impugned Annexure A-1 letter dated 14.07.2016, informed Smt. Shreepali Devi, mother of the applicant, that her request for compassionate appointment for her son, Ankit (applicant) has been considered by the Police Headquarters but could not be acceded to due to belated case.

3. Mrs. Harvinder Oberoi, learned proxy counsel for applicant submitted that impugned Annexure A-1 communication is completely contrary to the assurance given by the respondents vide their Annexure A-3 letter dated 20.05.1996 wherein they had clearly stated that the case of the applicant for compassionate appointment shall be considered after he attains the age of majority, i.e., 18 years.

4. *Per contra*, Mr. Ramesh Shukla, learned proxy counsel for respondents submitted that there has been an unexplained delay of about one year, two months and eight days in filing the application for compassionate appointment. Elaborating further, he stated that the

applicant attained the age of majority, i.e., 18 years, on 14.06.2013, whereas the application seeking compassionate appointment has been filed on 22.08.2014 and no satisfactory explanation has been given by the applicant for this delay.

5. Learned proxy counsel for applicant, on the other hand, submitted that the question of limitation cannot be raised in such cases in view of judgment of Hon'ble Supreme Court in **N. Balakrishnan v. M. Krishnamurthy**, (1998) 7 SCC 123, wherein it has been ruled as under:-

“11. Rules of limitation are not meant to destroy the right of parties. They are meant to see that parties do not resort to dilatory tactics, but seek their remedy promptly. the object of providing a legal remedy is to repair the damage caused by reason of legal injury. Law of limitation fixes a life-span for such legal remedy for the redress of the legal injury so suffered. Time is precious and the wasted time would never revisit. During efflux of time newer causes would sprout up necessitating newer persons to seek legal remedy by approaching the courts. So a life span must be fixed for each remedy. Unending period for launching the remedy may lead to unending uncertainty and consequential anarchy. Law of limitation is thus founded on public policy. It is enshrined in the maxim *Interest reipublicae up sit finis litium* (it is for the general welfare that a period be putt to litigation). Rules of limitation are not meant to destroy the right of the parties. They are meant to see that parties do not resort to dilatory tactics but seek their remedy promptly. The idea is that every legal remedy must be kept alive for a legislatively fixed period of time.”

6. I have considered the arguments of learned proxy counsel for the parties and have also perused the pleadings. It is quite evident from the records that the sole ground, on which the applicant could not be considered by the respondents for grant of compassionate appointment at the time of death of his father, was that he was hardly four days old. The respondents had given a solemn assurance to the mother of the applicant that on his attaining the age of majority, i.e., 18 years, the respondents will

give due consideration for his appointment on compassionate appointment. In view of this assurance, the decision of the respondents communicated vide Annexure A-1 order does not appear to be reasonable.

7. The issue of limitation raised in view of the applicant filing his application for seeking compassionate appointment after one year, two months and eight days of his attaining the age of majority, is a very hyper-technical point, which will have to be ignored in view of the judgment of Hon'ble Apex Court in **N. Balakrishnan's** case (supra).

8. In the conspectus of discussions in the foregoing paragraphs, I dispose of this O.A. with a direction to the respondents to consider the case of applicant for compassionate appointment on merits as per their extant Rules and Standing Orders. No costs.

(K.N. Shrivastava)
Member (A)

April 11, 2018
/sunil/