

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 4083/2015

New Delhi, this the 7th day of December, 2016

HON'BLE MR. P.K. BASU, MEMBER (A)

1. Jaswant Bhardwaj,
S/o Late S.I. Hem Chand Bhardwaj,
Aged about 40 years.
2. Smt. Kunti Devi,
W/o Late S.I. Hem Chander, 3935/D,
Aged about 62 years.

Both R/o 1529/C, Pana Mamur Pur,
Narela, Delhi-110 040.

.. Applicants

(By Advocate : Shri Pankaj Kumar)

Versus

1. The Commissioner of Police,
Police Head Quarter,
I.T.O., New Delhi.
2. Dy. Commissioner of Police,
IGI Airport, New Delhi.
3. Union of India,
Ministry of Home Affairs,
New Delhi
Through its Secretary.
4. Union of India,
Ministry of Personnel, Public Grievances,
New Delhi
Through its Secretary.

.. Respondents

(By Advocate : Shri K.M. Singh)

ORDER (ORAL)

Heard the learned counsel for both sides.

2. S.I. Hem Chander, who was an S.I. with Delhi Police, expired on 25.04.2002. After his death, his wife made a request for appointment of her son, i.e. applicant No.1, as Constable (Exe.) in Delhi Police on compassionate ground. His name was considered for compassionate appointment by the Screening Committee in its meeting held on 22.01.2003 and it was intimated that his case for compassionate appointment is rejected taking into account the financial condition of the deceased's family, liabilities and all other relevant factors such as the presence of earning member, size of the family, age of the deceased at the time of death, age of the children and the essential needs of the family as well as instructions of the Govt. of India on the subject and the judgment of the Hon'ble Supreme Court of India dated 04.05.1994 in the case of **Shri Umesh Kumar Nagpal vs. State of Haryana & Others.**

3. Thereafter, the case was again considered on 12.07.2004, 04.03.2005 and 28.09.2005 by the Screening Committee and finally order dated 09.09.2015 was issued rejecting his claim stating the following grounds:

“With reference to the Legal Notice No.1 dated 28/08/2015 on the above subject, I am to state that the name of Jaswant Bhardwaj S/o Late SI Hem Chander, No.3935/D was considered

by the Screening Committee meetings on 22.1.2003, 12.07.04, 4.3.05 and 28.09.05 by the Screening Committee but rejected as the same was found less deserving to the similarly placed other cases. Moreover, as per Standing Order minimum height required for the post of Const. [Exe] is upto 25 years **[being general candidate]** whereas the candidate has already completed the age of 40 years being date of **birth 19.8.1975**. As such he is not eligible for any post in Delhi Police on compassionate ground being short in height and overage.”

4. Clearly, the respondents have given due consideration to the applicant's case and rejected it primarily on the ground that his case was found less deserving to the other similarly placed persons keeping in view the financial position etc. Moreover, he also does not satisfy the minimum height requirement of 165 c.m. as the height of the applicant is 162.5 c.m. and also that he is overage.

5. Learned counsel for the applicant argued that he is now overage due to the fact that the respondents did not consider his case on the right time in 2002, at which point of time he was not overage.

6. Even if this argument is accepted, the question of height being less than the minimum height prescribed and the finding of the Screening Committee that there were more deserving cases than the applicant, still remain. The O.A. is, therefore, dismissed. No order as to costs.

(P.K. Basu)
Member (A)

/Jyoti/