

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 4085/2014

Reserved on 13.12.2016
Pronounced on 14.12.2016

Hon'ble Mr. Shekhar Agarwal, Member (A)

1. Smt. Manbhawti Devi,
Aged 65 years,
Wd/o Late Gugan Ram,
H.C. No.356/SW.
Address as of applicant No.2.
2. Sh. Sajjan Singh
S/o Late Gugan Ram
(H.C. No. 356/SW), both of
Vill. Nihaloth Ki Dhani,
Near Garh, PO: Pacheri Bari,
Tehsil: Buhana, Distt. Jhunjhunu
STATE: RAJASTHAN. Applicants

(Through: Mr. Anil Singal, Advocate)

VERSUS

1. Union of India, (Through,
Ministry of Home Affairs),
Through Commissioner of Police,
Police Head Quarter,
ITO, New Delhi.
2. Commissioner of Delhi Police,
I.P.Estate, Delhi Police
Head Quarter, New Delhi.
3. Dy. Commissioner of Police,
South West District,
New Delhi. ... Respondents

(Through: Mr. Amit Anand, Advocate)

ORDER

The applicant no. 1 is widow of Head Constable Gugan Ram who died in harness on 15.08.2003. She submitted an application for compassionate appointment of her elder son as a Constable on 14.11.2003. However, her elder son could not secure appointment.

Thereafter, vide their communication dated 17.6.2008, the respondents informed her that a meeting to consider cases for compassionate ground appointments was to be held shortly and requested her to send application of any family member who is below the age of 25 years and who fulfils the educational qualifications. In response to this communication, she applied for appointment of her second son who is applicant no 2 herein. When nothing was heard from the respondents, she filed OA no. 3847/2013 before this Tribunal. This was disposed of on 5.08.2014 with a direction to the respondents to serve a copy of the order on the applicant. The aforesaid order was served on the applicant on 24.09.2014. This has been impugned in the present OA by the applicant who is seeking the following reliefs:-

- " (a) Issue order or direction calling for the record pertaining to this case and Applicant No.2 be appointed to the constable post in Delhi Police on the compassionate grounds.
- (b) Issue order, or direction to serve the natural principle by directing the respondents to appoint in Delhi Police to the applicant No. 2 accordingly.
- (c) Pass any order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.

2. The only ground urged before me by learned counsel for the applicant, Shri Anil Singal was that the impugned order is cryptic and non-speaking and does not disclose any reasons as to why the case of the applicant was rejected.

3. In their reply, the respondents have submitted that the applicant had initially applied for appointment of her elder son Shri Ram Singh as Constable in Delhi Police on compassionate ground. His case was considered by the Screening Committee in its meeting held on 12.7.2004, 4.3.2005 and 8.5.2006 but was rejected as it was found to

be less deserving in comparison to other cases. Later on, the applicant has applied for consideration of the candidature of her younger son Shri Sajjan Singh. This was also considered in the meeting of the Screening Committee on 2.08.2008 and rejected on the same ground. While rejecting the aforesaid case, it has been further stated that the case of the applicant has been rejected keeping in mind the DopT instruction and Standing Order No. 39/09 as also the financial condition of the deceased family as well as other relevant factors such as the presence of earning members, size of family, age of deceased at the time of death, age of the children and the essential needs of the family. The judgment of Hon'ble Supreme Court in the case of **Umesh Kumar Nagpal Vs. State of Haryana and Others** has also been kept in mind. The respondents have also stated that in the instant case, it was found that the eldest son of the applicant was serving in the Army.

4. I have heard both sides and have perused the material on record. Shri Anil Singal argued that the impugned order as communicated to the applicant on 24.09.2014 was cryptic and non-speaking. While the respondents have disclosed several reasons for rejecting the applicant's candidature in their counter affidavit, none is mentioned in the impugned order. Thus, it is clear that the respondents were trying to improve upon the impugned order by means of the affidavit, which cannot be permitted under law.

5. I have considered the aforesaid submission and I agree with learned counsel for the applicant that no reasons have been disclosed in the impugned order. Whatever reasons were there for rejecting the case of the applicant, should have been mentioned in the impugned

order. The respondents cannot be permitted to improve the impugned order by means of their counter affidavit.

6. In view of the above, I allow this OA and quash the impugned order dated 2.02.2011 as communicated to the applicant on 24.09.2014. I direct the respondents to pass a fresh reasoned and speaking order within a period of 60 days from the date of receipt of a certified copy of this order. No costs.

(Shekhar Agarwal)
Member (A)

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