

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

OA No.317/2017
MA Nos.321 & 322/2017

New Delhi, this the 30th day of October, 2018

Hon'ble Mr. Pradeep Kumar, Member (A)

Parikshit, Age 23 years
S/o Late Const. Rattanpal
(No.1236/T(PIS NO. 28861093),
R/o Vill –Jatpura, PO-Pilkhuwa,
Distt. Hapur(UP)Applicant

(Present: Mr. S.C. Tomar)

Versus

1. Chief Secy.,
State, Govt. of NCT Delhi, IP Estate, New Delhi.
Through,
2. The Commissioner of Police, H.Q. Delhi Police,
I.P., Estate, New Delhi-110001.
3. The Dy. Commissioner of Police
Delhi Police Traffic,
H.Q. Delhi Police,
I.P. Estate, New Delhi-110001,
New Delhi-110001. .. Respondents

(Present: Ms. Pratima Gupta)

ORDER (ORAL)

1.0 The applicant's father had served as Constable in Delhi Police and while he was on duty at Burari Chowk, he met with an accident and unfortunately died on the spot on 04.07.1996. With a view to consider compassionate ground appointment, the respondents vide their letter dated 07.01.1999, advised the widow of the deceased employee, to

appear for Typing Test, which was scheduled to be held at 03.00 PM on 29.1.1999 to consider her case for appointment on compassionate ground. However, the widow instead of taking this offer, had written to the department on 12.10.1998 that she is unable to take the offer due to her family reasons, and instead she requested that her son may be considered for appointment on compassionate ground. This son was about six to seven years of age at that time and thus she requested that he should be considered for appointment on compassionate ground when he attains the age of 18 years. It is this son, who is the applicant in the instant case.

2.0 In due course the applicant became major and also completed B.Sc course. It was thereafter that his mother applied to the department to consider appointing her son (the instant applicant) on compassionate ground, vide her letter dated 04.05.2012.

While, the respondents asked certain details from the applicant vide their letter dated 02.06.2012, the respondents also advised on 09.10.2012 that her request for consideration of her son, when he becomes major already stood rejected vide order dated 07.01.1999 and as such, it could not be considered any further.

3.0 Thereafter, the widow had made representation to the Hon'ble L.G. of Delhi also vide her application dated

30.10.2012. This was considered by the Hon'ble LG and the request was not agreed to and the same was communicated to the widow vide letter dated 11.03.2013.

4.0 Feeling aggrieved, the applicant has now approached the Tribunal in the instant Original Application and also filed one MA seeking condonation of delay.

5.0 Matter has been heard at some length. The scheme for appointment on compassionate ground is not a vested right but it is to address the immediate needs of the bereaved family and to avoid state of penury in absence of earning member. In the instant case, consideration for granting appointment on compassionate ground, was extended by the respondents to the widow of the deceased employee at the relevant point of time, which was not accepted by her at that time. Her request at that time, to consider her son on attaining the age of majority, an event which was about 12 years later, was not agreed to by the department and was also communicated to her vide letter dated 07.01.1999. Thereafter the appeal was made by the widow (mother of applicant) to the Hon'ble LG and it had also been rejected in the year 2013.

At this belatedly stage when the applicant has already completed his studies and has also attained the age of about 28 years of age, the request for compassionate ground

appointment is not tenable as the family had been able to meet both ends all this while.

Moreover the decision of the Hon'ble LG was communicated to the widow in the year 2013. In light of this also, filing of O.A. on 13.01.2017, is time barred. It is noted that MA-321/2017 has been filed to seek condonation of this delay.

Another MA-322/2017 has been filed to seek exemption from submitting typed copies.

In view of above, both the MA-321/2017 and the OA, are dismissed being devoid of merits. MA-322/2017 is also disposed off accordingly being infructuous. No order as to costs.

(Pradeep Kumar)
Member (A)

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