

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

OA No.4246/2016

New Delhi, this the 08th day of October, 2018

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

Smt. Beerwati

W/o Late ASI Jage Ram (Exe.) Group-C

No. 1280/PC (Expired on 27.06.2003)

R/o VPO –Paprawat, P.S.-Najafgarh

New Delhi-110043..

....Applicant

(Present: Mr. S.Sunil with Mr.P.K.Singh)

**Versus**

1. The Govt. of NCT of Delhi.  
Through its Chief Secretary  
Delhi Secretariat, IP Estate, New Delhi.
2. The Commissioner of Police  
Police Head Quarters, IP Estate, New Delhi.
3. The Dy. Commissioner of Police  
East District, Fazalpur Mandwali,  
Delhi-110092. .. Respondents

(Present: Mr. Ramesh Shukla for Ms.Harvinder Oberoi)

**ORDER (ORAL)**

1.0 The applicant pleaded that her husband had died on 27.05.2003 while he was in service with the Delhi Police. The deceased husband left behind the applicant widow and four sons and one daughter. The applicant had made representation to the respondents for grant of compassionate appointment in respect of her first son, which was rejected on merits on 31.10.2005. Thereafter, the representation was made in respect of second son, which was also rejected on merits in the meeting of Police Establishment Board, held on 29.5.2009. Both these cases were claimed to be not covered under the criteria of DOP&T instructions and Standing Order No.39.2009.

2.0 Thereafter, another representation was made for consideration of compassionate appointment for her third son, which was also rejected on 31.01.2014 on account of being over age.

Thereafter, an appeal was made to the Hon'ble Lt. Governor of Delhi on 25.03.2014 (Annexure 9 of the OA). This appeal has also now been rejected vide respondent's order dated 30.03.2016. It was pleaded this rejection has been conveyed without considering the material facts of the case and without giving any reason thereto. Feeling aggrieved, present OA has been preferred for following relief:-

- "i). To quash and set aside the impugned letter Nos.7838/Estt. Br.(E-II) East Distt., dated 30.03.2016 and 5511/Estt. (E-II)/Ed, dated 04.03.2014, rejecting the representations of the applicant, for appointment of her son, for the post of constable (driver) in Delhi Police, on compassionate ground,
- ii). To direct the respondents, to grant compassionate appointment to the son of the applicant, as prayed for by her, and
- iii) To pass such other order or orders, as maybe deemed fit and proper, in the interest of justice."

3.0 The respondents plead that while appointment on compassionate ground is not a matter of vested right and applicant can only appeal for consideration by way of their representation. They had already considered the representations in respect of grant of appointment on compassionate ground at several stages but found no merit and hence the same were rejected and applicant was also informed.

The respondents have also brought out in their counter reply that the wife of the deceased employee was the nominee as per service record and she was sanctioned family pension and other monetary

benefits as admissible to her under the provisions of CCS (Pension), Rules, 1972 as well as Delhi Police Welfare Schemes.

4.0 The respondents pleaded that appointment on compassionate ground is not vested right but is an scheme to take care of the immediate needs of the bereaved family. This consideration has already been extended as brought out by applicant herself. Accordingly, this OA has no merit now and needs to be dismissed.

5.0 The matter has been heard at length. Compassionate appointment is not a vested right but scheme to extend consideration. This consideration has already been extended by the respondents in the instant OA thrice Thereafter, review has already been done by Hon'ble Lt. Governor, appeal was considered and rejected. With this, the required consideration had been adequately extended by the respondents. In the event, the same were rejected on merits each time.

The OA is dismissed being devoid of merit. No order as to costs.

**(Pradeep Kumar)**  
**Member (A)**

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