

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH:
NEW DELHI**

O.A. No.45 of 2018

Orders reserved on : 30.10.2018

Orders pronounced on : 31.10.2018

Hon'ble Ms. Nita Chowdhury, Member (A)

Subhash Chand (Aged 49 years)
S/o Late Sh. Chander Singh,
Ex Ct. of Delhi Police,
(Ct. No.124/CR, 28892815)
R/o V.P.O. Khan Pur Klan,
P.S. Gohana, District Sonipt (HR).
(Presently serving life imprisonment in
Central Jail Tihar New Delhi-110064)

....Applicant

(By Advocate : Shri B.S. Jarial)

VERSUS

1. Govt. of NCT of Delhi,
Commissioner of Police, PHQ, I.P. Estate,
New Delhi-110001.
2. D.C.P. Crime (HQ), 2nd Floor,
Kamla Market, Delhi.

.....Respondents

(By Advocate : Shri Amit Anand)

ORDER

Heard learned counsel for the parties and perused
the material placed on record.

2. By filing the instant OA, the applicant is seeking the
following reliefs:-

- “i.) Direct the respondents to consider his request for compassionate allowance benefits and allow 2/3 of his compensation pension & 2/3 of gratuity that may have been due to him at the time of conviction/dismissal, as per provisions of Rule 41 of the Rules of 1972.
- ii.) Direct the respondents to grant compassionate allowance with all consequential benefits along with interest @ 18% per annum.
- iii.) Cost of the application be provided for and
- iv.) To pass any such order/orders as may be deemed fit and proper by the Hon’ble Tribunal in the facts and circumstances of the case.”

3. Undisputed facts of the case are that applicant was also dismissed by Addl. CP/Crime, New Delhi vide Order No.2472-2571/HAP/Crime & Rlys dated 11.5.2010, as he was involved in case FIR NO.453/97 dated 1.4.1997 u/s 302/34 IPC Police Station, Connaught Place, New Delhi along with 9 other officials/officers of Delhi Police (C.P. Shootout case).

4. Counsel for the applicant submitted that in this case the applicant is seeking grant of compassionate allowance by placing reliance on Rule 41 of the CCS (Pension) Rules, 1972. Counsel further submitted that relief as claimed by him have already been granted by the respondents to some of the co-delinquents involved in the said FIR by the respondents vide Order dated 27.6.2018, 18.7.2018, which were passed by them pursuance to

direction issued by this Tribunal in the cases individually filed by those co-delinquents.

5. This Court also finds that applicant had also applied for grant of compassionate pension and gratuity on the same grounds on which Ex. ACP Dr. Satyavir Singh Rathi has already been granted, as is apparent from the communication dated 1.11.2017 (Annexure A-1) but by the said impugned order the same has been rejected in the case of the applicant and other co-delinquents. The said Order has been challenged by some of the co-delinquents by filing OAs and by orders dated 27.6.2018 and 18.7.2018, copies of which have been placed on record during the course of hearing, the applicants in those cases have been allowed compassionate allowance by the respondents pursuance to the directions issued in the OAs preferred by those co-delinquents, namely, OA 311/2018 decided on 24.1.2018, OA 3565/2017 decided on 9.1.2018, OA 275/2018 decided on 22.1.2018, OA 288/2018 decided on 23.1.2018 and OA 312/2018 in OA 24.1.2018.

6. Counsel for the applicant has also produced a copy of Order dated 17.9.2018 in OA 1992/2018 which was filed by one of the co-delinquents before this Tribunal as

his case was also rejected by the impugned order dated 1.11.2017 and this Tribunal vide said Order directed the respondents to grant compassionate allowance benefits.

7. Counsel for the respondents has not disputed the aforesaid position.

8. In view of the aforesaid facts and circumstances of the case, since it is also informed that in the case of Ex. ACP Dr. Satyavir Singh Rathie had given a representation for grant of compassionate allowance and his representation was considered by the Hon'ble L.G. Delhi in view of Hon'ble CAT's Judgment dated 24.4.2015 in TA No.07/2015-Dr. Satyavir Singh Rathie Vs. C.P., Delhi & Ors. and had passed orders to sanction 50% of his compensation pension and 50% of Gratuity, this Court directs that as the applicant has sought that as he stands on the same footing as those who were involved in the FIR No.453/1997, the applicant being similarly situated is entitled to receive the same consideration in the matter of grant of compassionate allowance. Accordingly, the respondents are directed to pass orders granting compassionate allowance to the applicant in this OA as per the facts and circumstances of his case and in accordance with the rules on the subject within a period

of 30 days from the date of receipt of certified copy of this Order.

9. In the result, the present OA is allowed in above terms. There shall be no order as to costs.

(Nita Chowdhury)
Member (A)

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