

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No. 1021/2017

New Delhi this the 26th day of September, 2018

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

Manju Devi, aged about 48 years,
W/o late Sh. Jitender Singh (Ex. Const.)
VPO-Chhawla, South-West District,
New Delhi-110071 - Applicant

(By Advocate: Mr. Rashpal Rangi)

VERSUS

Govt. of NCT of Delhi, through

1. Commissioner of Police,
Police Headquarters,
IP Estate, New Delhi
2. Addl. Commissioner of Police,
South-West District, New Delhi
3. Deputy Commissioner of Police,
South West District,
Sector-19, Dwarka, New Delhi - Respondents

(By Advocate: Ms. P.K. Gupta)

O R D E R (Oral)

This Original Application has been filed by the applicant seeking the following reliefs:-

“i) quash and set aside the impugned order dated 10/11/2016 passed by respondent no.3 being arbitrary and non-speaking; and

- ii) direct the respondents to reconsider the applicant's case for grant of compassionate allowance and if found deserving, grant her compassionate allowance from retrospective date with interest; and
- iii) pass any other orders as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case."

2. Counsel for the applicant states that the applicant is in pecuniary difficulty as stated in her application for compassionate allowance but despite this, respondent no.3 has not considered her representation dated 23.09.2016 for grant of compassionate allowance.

3. Counsel for the respondents draws attention to the reasons given in the aforesaid representation for compassionate allowances which state that "*He left behind his mother aged more than 70 years, myself and a son aged about 10 years in dastardly condition. In the present scenario, applicant is facing financial crises and not in a position to earn for livelihood and have to depend on members of my relatives etc..*"

4. Quite clearly, from the reasons given in the aforesaid representation of the applicant, it cannot be said by any means that the respondents have been in any way negligent in considering the totally vague and brief representation of the applicant and rejecting the same.

Accordingly, there is no merit in the OA and the same should be dismissed.

5. The counsel for the applicant repeatedly stressed that the applicant is in actual distress but has forgotten to mention the same in the representation and she be given the liberty to prefer a detailed and fresh representation to the respondents. Unless such liberty is given, the respondents will refuse to consider the fresh representation in view of dismissal of this OA.

6. Hence, in the peculiar facts and circumstances that the wife of the deceased Constable – present applicant – needs to make a detailed representation; and she is given the said liberty to prefer a fresh representation with regard to her said straitened and dire circumstances. The respondents are directed to pass a speaking order on the same within a period of 90 days of receipt of such representation.

7. It is made clear that this order has been passed in view of the peculiar facts of this case and shall not serve as a precedent.

8. With the above observations, the OA is dismissed. No costs.

(Nita Chowdhury)
Member (A)

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