

**Central Administrative Tribunal
Principal Bench**

OA No.3077/2015

New Delhi this the 10th day of September, 2018

Hon'ble Ms Nita Chowdhury, Member (A)

Shri Jasvinder Singh, Age 26 years,
S/o late Sh. Hazara Singh,
R/o Vill. Salai Bara Gaon,
Mazara Singh Pura,
Tehsil-Milak, Distt-Rampur,
Uttar Pradesh

- Applicant

(By Advocate: Mr. Manish Kumar)

Versus

Delhi Police
Through Commissioner of Police,
Delhi Police Head Quarter, ITO
New Delhi-110002

- Respondent

(By Advocate: Mr. Amit Anand)

ORDER (ORAL)

Ms. Nita Chowdhury, Member (A):

This Original Application (OA) has been filed by the applicant, praying for the following reliefs:-

- “i. Call for the records of the respondent with respect to the appointment of applicant for the post Constable on compassionate ground.
- ii. Set aside the order dated 11.06.2013 of the respondent qua the applicant.
- iii. Direct the Respondent to consider the case of the Applicant for appointment of the applicant for the post Constable (Executive) on compassionate ground;
- iv. Pass such other and further orders as this Hon'ble Tribunal may deem fit.”

2. The brief facts of the case are that the father of the applicant was appointed in Delhi Police as Constable (Exe.) on 02.02.1982 and died in harness on 20.11.1990. After his death, the mother of the applicant submitted an application dated 27.07.2012 addressed

to the Commissioner of Police, Delhi for appointment of his son – the applicant herein as Constable (Exe.) on compassionate grounds. It is stated by the applicant that aforesaid application for appointment was incorrectly rejected by the respondent, as he had made the same, just after passing his intermediate examination from the UP Board in the year 2012. The order dated 11.06.2013, which rejected the candidature of the applicant on the ground that it is a belated case, deserves to be set aside because earlier the respondent has considered the cases of other similarly situated persons and exemption had been given by the Hon'ble Lieutenant Governor, allowing for such consideration. He states that he filed his request for appointment on compassionate grounds as soon as he completed the educational requirement for the post of Constable in the year 2012 and could not do so earlier as he did not have the requisite educational requirement.

3. In reply, the respondent has stated that the applicant's case for compassionate appointment could not be approved as it did not come within the ambit of time limit allowed in belated cases. In belated cases, the Hon'ble Lieutenant Governor has issued directions vide order dated 03.05.2011 directing that compassionate appointment may be considered for a candidate after he/she attains the age of majority, while normally, the offer has been restricted to ten years of the death of the concerned employee. Further it has been laid down that a belated application for compassionate appointment would normally be considered within a maximum period of one year after the candidate attains the age of majority. In the instant case, as per the relevant directions of the Hon'ble Lieutenant Governor, the applicant became eligible to apply for

compassionate appointment on 12.11.2007, as his date of birth was 12.11.1989 but he applied for appointment on compassionate grounds on 27.07.2012, i.e. after five years and one month after attaining the age of majority. Hence, his case could not be approved by the Police Establishment Board, as it does not come within the above directions of the Hon'ble Lieutenant Governor, Delhi, with regard to the belated case.

4. The respondent has also informed that the applicant's case was considered by the Screening Committee under the rules/instructions governing appointments on compassionate grounds but could not be approved as the same was belated.

5. The respondent has further submitted that the applicant also sought the information about his case of compassionate appointment through RTI dated 15.05.2015 and in response, a detailed reply has been given to him alongwith the standing order No.39/2014 which existed at/on that date when he asked the information under RTI.

6. Heard both the parties and perused the pleadings available on record.

7. The respondent has been able to show that there is a standing order for considering cases under the category of compassionate appointment and as per such order, the Police Establishment Board considered matters up to 10 years after the death of the deceased and even later, on the directions of the Hon'ble Lieutenant Governor which allowed the receipt of such applications within one year from the date of attaining the age of majority by the applicant. Quite clearly, the applicant, after attaining the age of majority on 12.11.2007, applied for appointment on compassionate grounds

only on 27.07.2012, i.e. after five years and one month of attaining the age of majority. Hence, just taking the plea that the applicant applied, after obtaining the educational qualification of 11th pass from the UP Board examination in the year 2012, is not sufficient to give him time beyond that prescribed period, i.e, one year after attaining the age of majority. The failure to obtain the requisite qualification within the designated period cannot give the applicant unlimited extension of time to qualify and then apply for the post under the said category. Accordingly, decision taken by the respondent is based on equal treatment for all candidates under compassionate appointment category and does not suffer from any illegality.

8. In view of the above observations, the OA is found to be devoid of merit and is hereby dismissed. No costs.

**(Nita Chowdhury)
Member (A)**

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