

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

O.A. No.4415 of 2017

This the 1<sup>st</sup> day of October, 2018

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

Jaideep Bola  
S/o Late Sh. Jai Singh,  
r/o 74/24, Gali No.3, Dev Nagar,  
Sonipat, Haryana – 131001.

Aged about 32 years

(Group 'C')  
(Candidature to the post of Constable in Delhi Police, on  
compassionate basis)

....Applicant

(By Advocate : Shri Ajesh Luthra)

VERSUS

1. Commissioner of Police,  
PHQ, MSO Building,  
IP Estate, New Delhi.

2. Deputy Commissioner of Police,  
(Recruitment Cell)  
New Police Lines,  
Kingsway Camp, Delhi.

3. Deputy Commissioner of Police,  
(Establishment)  
PHQ, MSO Building,  
IP Estate, New Delhi.

4. Deputy Commissioner of Police,  
(Security) (HQ)  
Vinay Marg, Chankyapuri,  
New Delhi-110021.

.....Respondents

(By Advocate : Shri Amit Anand)

**O R D E R (Oral)**

By filing the present OA under Section 19 of the  
Administrative Tribunals Act, 1985, applicant is seeking the  
following reliefs:-

- “a) Quash and set aside the impugned order dated 25/08/2017 placed at Annexure A/1 and
- b) Direct the respondents to appoint the applicant to the post of Constable (Exe.) or Constable (Driver)
- c) Accord all consequential benefits
- d) Award costs of the proceedings; and
- e) Pass any order/relief/direction(s) may deem fit and proper in the interests of justice in favour of the applicant.”

2. Brief facts of the case as stated in the OA are that the father of the applicant, namely, Inspector Jai Singh expired while in service on 14/07/2005 after rendering 32 years of unblemished service with the respondents. He was posted in Security Unit of Delhi Police at the time of his death.

2.1 Immediately after the death of the father, mother of the applicant made a request for appointment of any member of the family on compassionate grounds. Pursuant to the same, applicant was considered for appointment to the post of Constable (Exe.) and his physical measurements were also held at Recruitment Cell/Delhi Police and a various enquiries about the financial status and liabilities were also conducted from the native place of the family of the deceased Government servant.

2.2 The family of the deceased Government servant consisted of his widow, two sons and four sisters.

2.3 The family after the death of the Government employee had to shift to their native place at Haryana as they had to surrender the Government accommodation, as per rules.

2.4 Subsequently the applicant has been vigorously visiting and requesting the authorities to know the status of case from the respondents especially Security Unit since upon consideration, the

candidates are intimated by the unit concerned where the deceased Government employee had been posted at the time of death and from where the process of consideration for recruitment on compassionate grounds gets initiated.

2.5 Besides his visits to the Security Unit, the applicant has also visiting the respondent offices at the Recruitment Cell where he was always assured of the consideration process being on. At the same time, since there was no information to the Security Unit, the authorities at the Security Unit would inform the applicant of the status where they had, i.e., that there is no specific information as yet. In this matter, even though the applicant had been trying number of times to get status of his application but every time he and his family were given various excuses. A copy of application dated 8.7.2016 duly acknowledged by the respondents is annexed as Annexure A/2.

2.6 In the month of March 2017, during one of his visits to the offices of the respondents, the applicant could know that his case was considered and approved in the year 2007 itself and a communication was sent to the Government accommodation address of the family. However, it is stated that, the Government accommodation had already been surrendered to the respondents as per their rules and there was no reason or occasion for the respondents to have sent the communication at the said address. The said communication ought to have been sent at the native village address. The applicant upon further inquiries came to learn that he cannot be considered now as he has become over age. In these circumstances, applicant submitted another representation dated 24.3.2017.

2.7 However, instead of imparting justice to the applicant, respondents have straightway issued the order dated 5.8.2017 (Annexure A/1) cancelling the candidature of the applicant confirming a show cause notice alleged to have been issued on 23.6.2017 which is alleged to have not been replied by the applicant. In the impugned order, it is stated that the applicant did not turn up to know the status for his request for compassionate appointment neither in PHQ nor in Recruitment Cell, NPL, during the last 9 years. It appears that for this alleged reason, a show cause notice was had been issued to the applicant on 23.6.2017.

2.8 Applicant averred that no show cause notice has been issued to him or received by him. The applicant who had been visited the respondents for all these years seeking his compassionate appointment had no reason to not to reply to the Show Cause Notice, if it was issued to him or received by him. It is pertinent to point out that the Show Cause Notice stated to be issued on 23.6.2017, i.e., after 10 years of his case approved by the Screening Committee and during all these 10 years not a single communication has been sent by the respondents to the applicant intimating of the approval of the Committee and/or requiring the applicant to appear before the authorities for completion of codal formalities or for any other reason. The respondents have issued the impugned order and the show cause notice (if really issued) only after the acknowledged representation dated 8.7.2016. The respondents have admitted the fact under the RTI reply dated 29.9.2017 (Annexure A/4) consequent to the RTI application submitted by the applicant in September 2017 (Annexure A/5). The applicant has also enclosed other replies received by him under the RTI Act proceedings and in response to his application of

September 2017, which replied have been furnished to him by the PIO/Security Unit and APIO/Recruitment Cell (Annexure A/6 (colly.). A copy of the minutes of the meeting where the appointment of the applicant was approved in the year 2007 (Annexure A/7) was supplied under RTI Act proceedings.

2.9 It is pertinent to point out that the applicant has specifically sought to know the process of Delhi Police for informing the candidates who apply for appointment on compassionate grounds, the mode/manner of communication to the applicant regarding the intimation issued to him regarding consideration and its outcome, where any efforts were made to inform him about the consideration of his case etc. but there is no reply by the respondents to the said specific and clear questions. It is further significant to point out that according to the Police Headquarters, information in respect to the communication/intimation to the applicant relates to the Recruitment Cell and the application has been transferred there. The Recruitment Cell has not supplied any information and gave a vague reply that the candidature of the applicant had already been cancelled vide said order. At the same time, it shall not be out of place to mention that the Security Unit, from where the intimation was required to be channeled to the applicant to the applicant, there has been no information from the Recruitment Cell or the Police Headquarters regarding approval of applicant's case by the Screening Committee.

2.10 Applicant further averred that the cases for compassionate appointment are considered at Police Headquarters at the behest of Recruitment Cell. It is the Recruitment Cell where all the applications are ultimately received from all the units of Delhi Police. A compilation is made by Recruitment Cell. The physical

examination and verification etc. are conducted by the Recruitment Cell. All such information is thus complied with and sent to the Police Headquarters/Establishment Cell where the Screening Committee is constituted and the cases for compassionate are considered. Thereafter the entire record including the recommendations of the Screening Committee are sent to the Recruitment Cell and it is the Recruitment Cell who of its own and also through the unit concerned from where the application for compassionate appointment had been received, intimation is sent to the candidate regarding the fate of the application. The applicant had also now learnt that in his case no intimation was sent by the Recruitment Cell to him. Furthermore, the Recruitment Cell did not cause any issuance of intimation to the applicant through the Security Unit and the Security Unit, in the absence of any such intimation, obviously could not give any information to the applicant. There is a clear breach of communication norms of the Delhi Police for reasons not known to the applicant. However, during all these years, the applicant and his family had been made to suffer. Adding to this sufferance is the impugned order cancelling the candidature of the applicant solely on the ground that he did not approach the respondents to know the status of his case. The aforesaid action is illegal and arbitrary. No show cause action has ever preceded the same. However, the applicant is not strongly pressing his grievance solely on the violation of principles of natural justice but is genuinely aggrieved by the denial of the applicant to him. Hence, he has filed this OA seeking the relief as quoted above.

3. Pursuant to notice issued to the respondents, they have filed their reply in which they have firstly raised objection of limitation as well as jurisdiction.

3.1 They further stated that the father of the applicant (Inspector (Exe.)) was expired on 14.7.2005 due to illness. The mother of the applicant made a request on 3.12.2014 for appointment of her son, namely, Jaideep Bhola, on compassionate ground as HC (Min.)/Constable in Delhi Police.

3.2 They also stated that the name of the applicant was considered by the Police Establishment Board for the post of HC (Min.)/Constable in its meeting held on 13.4.2006, 02.05.2006 and 8.5.2006 and the same was rejected being less deserving as compared to other similarly placed cases. This decision of the Committee was conveyed to the applicant vide letter dated 8.6.2006.

3.3 The mother of the applicant again made a request for appointment of applicant on compassionate ground as HC (Min.)/Constable in its meeting held on 20-29.12.2007 and was approved for the post of Constable (Exe.) in Delhi and the same was conveyed to DCP/4<sup>th</sup> Bn. DAP subject to satisfactory verification of character & antecedents, medical fitness and final checking of documents etc. Accordingly, DCP/4<sup>th</sup> Bn. DAP, Delhi directed to complete the codal formalities for giving appointment vide UO dated 8.2.2008. It is pertinent to submit that the correspondence file of PHQ in r/o Smt. Kamla w/o late Inspr. (Exe) Jai Singh has been destroyed vide Order dated 19.12.2014 (Annexure R-2).

3.4 The applicant submitted an application to Police Headquarters on 12.7.2016 stating therein that his father was

expired on 14.7.2005 and that his mother made a request for his compassionate ground appointment in Delhi Police but no result has been received so far. This application of the applicant was considered in PHQ and it found that the case of the applicant was approved in the meeting held on 20-29.12.2007.

3.5 The applicant made enquiry in the PHQ after a period of 09 years elapsed. During the last 09 years, the applicant did not turn up to know the status of his request for compassionate ground appointment either in PHQ or in Recruitment Cell. The age of the applicant at the time of meeting was 23 years and now it is 32 years old. Therefore, it was decided to issue a SCN for cancellation of candidature in respect of the applicant. Accordingly, SCN dated 23.6.2017 was issued by DCP/Rectt. Cell/NPL to the applicant for cancellation of candidature stating therein that he never turned up to know the status of his request for compassionate ground appointment either in PHQ or in Recruitment Cell during the last 09 years and that reply, if any, should reach within 15 days from the receipt of the notice failing which it will be presumed that he has nothing to say in his defence and the case will be decided ex-parte on merits.

3.6 They further stated that the said SCN was also sent to the applicant's native village i.e. 747/24, Gali No.03, Dev Nagar, Haryana-131001 through registered post vide Memo dated 18.7.2017. In response to the said SCN, the applicant neither sent any reply nor sent any information to DCP/Recruitment Cell/PNL, Delhi. Hence, the SCN issued to the applicant was decided as ex-parte and candidature for the post of Constable (Exe.) in Delhi Police on compassionate ground was cancelled by DCP/R.Cell/NPL, Delhi vide letter dated 25.8.2017.



3.7 They further stated that during the last 09 years, the applicant never turned up to know the status of his request for compassionate ground appointment either in PHQ or in Recruitment Cell. No representation/RTIs/Inquiries for the period 2005-14 have been annexed by the applicant in the OA.

3.8 They also stated that the said SCN was sent to the local address, i.e., quarter no.1080, Sector-4, R.K. Puram, New Delhi as well as his native place i.e. House No.747/24, Gali No.03, Dev Nagar, Haryana-131001 vide memo dated 18.7.2017 (Annexure R-4). In response to the said SCN, neither the applicant sent any reply nor sent any information to DCP/Recruitment Cell/NPL, Delhi. Hence, the said SCN issued to the applicant was decided ex-parte and the applicant's candidature for the post of Constable (Exe.) in Delhi Police on compassionate ground was cancelled by letter dated 25.8.2017.

4. In the rejoinder, the applicant submitted that the OA is not liable to be dismissed in limine being barred by limitation, delay and laches, as the respondents cannot be allowed to take advantage of their own wrong and cannot say that the applicant's challenge to their order dated 25.8.2017 is hit by limitation, delay and laches. Further the cause of action has arisen at Delhi and hence this Tribunal has jurisdiction over the matter. Applicant further reiterated the averments made in the OA and denied the contents of the reply filed by the respondents.

5. During the course of hearing counsel for the hearing both the parties reiterated the averments made by them in their respective pleadings.

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

7. Before dealing this case on merit, this Court would like to deal with the preliminary objections raised by the respondents, i.e, limitation and jurisdiction. So far as limitation is concerned, as the applicant is challenging the letter dated 25.8.2017, so the present OA cannot be said to be barred by limitation. So far as jurisdiction is concerned, applicant is challenging the order issued by the Delhi Police and the headquarters of the respondents is only at Delhi so the challenge to the said order through this OA by the applicant cannot be said to be not maintainable on the ground of jurisdiction. As such the judgments as cited in the reply by the respondents in support of their preliminary objections are not relevant to the facts and circumstances of this case.

8. It is an admitted position that the name of the applicant was again considered by the Police Establishment Board for the post of HC (Min.)/Constable in its meeting held on 20-29.12.2007 and was approved for the post of Constable (Exe.) in Delhi and the same was conveyed to DCP/4<sup>th</sup> Bn. DAP subject to satisfactory verification of character & antecedents, medical fitness and final checking of documents etc. Accordingly, DCP/4<sup>th</sup> Bn. DAP, Delhi directed to complete the codal formalities for giving appointment vide UO dated 8.2.2008. However, from the pleadings it is not known whether any steps in furtherance of aforesaid direction were taken by the DCP/4<sup>th</sup> Bn. DAP, Delhi to intimate the said decision to the applicant at that time. It is further pertinent to mention here that earlier when the meetings were held on 13.4.2006, 2.5.2006 and 8.5.2006 and the case of the applicant was not found deserving, the said decision of the Committee was conveyed to the applicant vide letter dated 8.6.2006. However, the decision of the Police Establishment Board for the post of HC

(Min.)/Constable in its meeting held on 20-29.12.2007 which approved the case of the applicant for appointment on compassionate ground to the post of Constable (Exe.) in Delhi Police is not evidently proved to have been communicated to the applicant either by the Recruitment Cell or by the authorities where the mother of the applicant had submitted her application for consideration of case of her son (applicant) for appointment on compassionate ground. It is very relevant to note here that the object of grant of compassionate appointment is to give immediate relief to the deceased Government, which although the respondents have done by approving his case for grant of appointment on compassionate ground, but when they approved the case of the applicant for such appointment then it is the duty of the respondents to communicate the same to the wards of the deceased Govt. employee. Now a day's it is not very difficult to get the address of the wards of the deceased Govt. employees, which they can ascertain either by family pension disbursing bank or by the records relating to the deceased Govt. employees. However, they merely stated that DCP/4<sup>th</sup> Bn.DAP, Delhi was directed to complete the codal formalities for giving appointment vide UO No.3003-04/SIP(III)/PHQ dated 8.2.2008 but what was done by the DCP/4<sup>th</sup> Bn.DAP is not stated anywhere in the reply. But they stated that the correspondence file of PHQ in r/o of Smt. Kamla w/o late Inspr. (Exe.) Jai Singh, No.D-1/97 has been destroyed vide Order dated 19.12.2014, which is not a proper reply.

9. It is relevant to quote here the OMs issued by the Ministry of Personnel, Public Grievances & Pensions, Department of Administrative Reforms and Public Grievances, which are as follows:-

F.No.K-11019/12/2013-PG  
 Government of India/Bharat Sarkar  
 Ministry of Personnel, Public Grievances & Pensions  
*Karmik, Lok Shikayat Evam Pensions Mantralaya*  
 Department of Administrative Reforms & Public Grievances  
*Prashasnik Sudhar Evam Lok Shikayat Vibhag*  
 (Public Grievances Division/Lok Shikayat Prabhag)

Sardar Patel Bhawan, 5<sup>th</sup> Floor,  
 Sansad Marg, New Delhi  
 Dated: 10<sup>th</sup> December, 2014

OFFICE MEMORANDUM

Sub: Strengthening of the Grievance Redress Mechanism for Redress of Public Grievances.

Department of Administrative Reforms & Public Grievances has been issuing several guidelines for prompt & effective redress of public grievances. It has been emphasized therein that a grievance should be redressed within a period of maximum of two months of its receipt. It has further been emphasized that if finalization of a decision on a particular grievance is anticipated to take longer than two months, an interim reply should invariably be sent. In case it is not feasible to accede to the request made in the petition, a reasoned reply may be issued to the aggrieved citizen within this stipulated time limit.

2. Complaints have been received that grievances are being closed without furnishing any reply to the petitioner.
3. In this regard, it may be considered, that, if a grievance involves policy decision/statutory change/court related matter, it could be closed under intimation to the petitioner with the comments that it could be revisited, in case any fresh development in the matter, merits the same.
4. The receipt of this memorandum may kindly be acknowledged.
5. This issues with the approval of the competent authority.

  
 (Sumita Dasgupta)

Deputy Secretary to the Government of India

Tele: 011-23741006

To

Directors of Grievances of all Ministries/Departments of Government of India.

No. K-11019/4/2015-PG  
 Government of India/Bharat Sarkar  
 Ministry of Personnel, Public Grievances and Pension  
 Karmik, Lok Shikayat Aur Pension Mantralaya,  
 Department of Administrative Reforms & Public Grievances  
 Prashasnik Sudhar Aur Lok Shikayat Vibhag  
 (Public Grievances Division/Lok Shikayat Prabhadh)

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5<sup>th</sup> floor, Sardar Patel Bhavan,  
 Sansad Marg, New Delhi – 110001  
 Dated- 12<sup>th</sup> March, 2015

Subject: Strengthening of Public Grievance Redress Machinery -

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The undersigned is directed to refer to the Compilation of Guidelines for Redress of Public Grievances issued by Department of Administrative Reforms & Public Grievances for prompt and effective redress of public grievances, available on the website of this Department [www.darpg.gov.in](http://www.darpg.gov.in) and [www.pgportal.gov.in](http://www.pgportal.gov.in) and to reiterate that the following measures may be taken to ensure expeditious redressal of public grievances:-

- (i) A grievance may be acknowledged immediately and at the most within three working days of receipt. A grievance should be redressed within a period of two months from its receipt. If finalization of a decision on a particular grievance is anticipated to take longer than two months, an interim reply should invariably be sent.
- (ii) Grievances received in the Ministries/Departments may be analyzed periodically at a designated senior level to identify grievance prone areas of Ministries/Departments to adopt systemic changes to eliminate the causes of grievances.
- (iii) Every Wednesday may be kept as meeting-less day for the Directors of Public Grievances for hearing the grievances of the citizens. The feedback mechanism may be ensured for an inbuilt mechanism to correct deficiencies.
- (iv) The cases should be closed under intimation to the petitioner with reasoned reply to the aggrieved citizen within the stipulated time limit.
- (v) The Department of Administrative Reforms & Public Grievances with assistance from NIC has been providing necessary training to officers of different Ministries for better handling of grievances through CPGRMS for effective redressal of grievances of citizens. The attendance to the training session should be ensured.
- (vi) The Citizen's Charter of the Ministry/Department and other authorities under their jurisdiction may be updated and displayed on their website.

2. In addition to the above, it is further requested that the name of the Director of Public Grievance Officer of the Ministries/Departments of Government of India may also be kept updated as per administrative changes as may be taking place.

जारी किया गया  
 ISSUED  
 To *gob/dfm*

Secretary,  
 Ministries/Departments (As per list)

*(Signature)*  
 (Sumita Dasgupta)  
 Deputy Secretary to the Government of India  
 Telefax 23741006  
 E-mail : [d.sumita@nic.in](mailto:d.sumita@nic.in)

*d/c*



No. K-11019/4/2015-PG  
 Government of India/Bharat Sarkar  
 Ministry of Personnel, Public Grievances and Pension  
 Karmik, Lok Shikayat Aur Pension Mantralaya  
 Department of Administrative Reforms & Public Grievances  
 Prashasnik Sudhar Aur Lok Shikayat Vibhag  
 (Public Grievances Division/Lok Shikayat Prabhag)

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5<sup>th</sup> floor, Sardar Patel Bhavan,  
 Sansad Marg, New Delhi – 110001  
 Dated 28<sup>th</sup> August, 2015

**Subject:** Strengthening of Grievance Redress Mechanism – quality of disposal of grievances

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The Department of Administrative Reforms & Public Grievances has been regularly reviewing pending Public Grievances in Ministries/Departments and analyzing the disposal of the grievances. The qualitative redressal of the grievances is the objective of the Centralized Public Grievance Redress And Monitoring System (CPGRAMS). Therefore, the following measure should be taken to ensure effective redress of the grievances:-

- (i) The grievances should be disposed of to the utmost satisfaction of the citizens. Ministries/Departments should send well drafted reasoned reply to the citizens before closing/disposing the grievances on the pgportal.
- (ii) All the grievances pending for more than six months have to be disposed by 15<sup>th</sup> September, 2015.
- (iii) Not more than ten days time should be taken for analyzing and transferring the grievance to other Ministry/Department.
- (iv) A sensitive view should be taken for redressal of the grievances and citizen should be informed whether his request can be acceded or not.
- (v) If redress of the grievance is not possible, the citizen may be advised of the right path of redressal within a period of two months.
- (vi) The suggestions from the citizens can be closed after due consideration

2. In addition to the above, it is also requested that the name of the Director of Public Grievance Officer of the Ministry/Department may also be kept updated as per administrative changes taking place.

  
 (Smita Kumar)

Joint Secretary to the Government of India

To

Secretary,  
 All Ministries/Departments (As per list)

10. It is quite clear from the above OMs that the grievance should be disposed of to the utmost satisfaction of the citizens. Ministries/Departments should sent well drafted reasoned reply to the citizens before closing/disposing the grievances on the pgportal and further the case could be closed under intimation to the petitioner with the comments that it could be revisited, in case any fresh development in the matter, merits the same, if a grievance involves policy decision/statutory change/court related matter. When the case of the applicant had not been closed and a show cause notice was issued only on 23.6.2017 in which they have stated only that he never turned up to know the status of his request for compassionate ground appointment either in PHQ or in Recruitment Cell during the last 09 years but they have not stated what steps they have taken before issuance of the said show cause notice after 8.2.2008, i.e., the date when DCP/4<sup>th</sup> Bn. DAP, Delhi was directed to complete the codal formalities for giving appointment, despite the fact that the applicant submitted application on 8.7.2016 as well as on 24.3.2017 in which he has mentioned his native address and mobile number, as **747/24, Gali No.3, Dev Nagar, Sonipat, Haryana – 131001, 8826602542**. However, the said SCN firstly was issued at Govt. accommodation address of the deceased Govt. employee on 23.6.2017 and subsequently on 18.7.2017 at the native address of the applicant. From the above show cause notices, it is evident that the communication with regard to approval of applicant's case was not communicated to the applicant at his native address as in the show cause notice it is stated that "Now, present address has been obtained from PHQ where you were submitted representation on

23.3.2017. As such no efforts were made to communicate the decision after 8.2.2008 to the applicant. This lackadaisical approach of the respondents that too in a matter of grant of compassionate appointment to one of the wards of a deceased Govt. employee is unappreciable.

11. Further it is relevant to note the replies given by the respondents to the applications submitted by the applicant under RTI Act. In the reply dated 29.9.2017 to point no.(o), they have stated that ***“The Diary number of application dated 24.03.2017 is 4072 office of CP, Delhi, PHQ dated 28.03.2017. The matter was under consideration on your earlier request. Hence, you were not informed about any decision.*** In the reply dated 4.10.2017, they further stated that ***“The information do not relate to Security Unit. However, your RTI application is being transferred to the Public Information Officer/PHQ Estt. u/s 6(3) of RTI Act-2005 for providing relevant information direct to you.”*** Further in the reply dated 11.10.2017, they have stated that “It is stated that the candidature in respect of Sh. Jaideep Bola, has already been cancelled vide this office memo no.3268/Rectt. Cell (Ct.) (R-III) NPL, dated 25.08.2017.” However, nowhere in the counter affidavit they have stated what steps they have taken to communicate the decision vide which his case for appointment on compassionate ground was approved by the competent Committed which was constituted for this purpose on 20-29.12.2007.

12. Now coming to the show cause notice dated 23.6.2017, the same was first sent at the Govt. accommodation, which was



provided to the deceased Govt. employee while he was in service and the same was required to be vacated by the wards of the deceased Govt. employee after sometime. So it is incumbent upon the respondents to find out the native place address of the wards of the deceased Govt. employee, which is not impossible task for the Delhi Police having regard to the object to the compassionate appointment scheme. Further they have stated that the said show cause notice was again sent on 18.7.2017 at address which was obtained from PHQ where the applicant submitted his representation on 23.3.2017. However, no proof of communication of the said show cause notice was attached with the counter affidavit filed by them. Further the applicant was visiting the office where his mother submitted application for grant of compassionate appointment, but they did not apprise him about the fate of his application.

13. It is very pertinent to note here that this lackadaisical approach of the respondents in the matter of compassionate appointment tends to frustrate the main object of the Compassionate Appointment Scheme as the object is to give succour to the family which has been suddenly plunged into penury due to the untimely death of its sole bread-winner. As such by not taking efforts to communicate the said decision to the applicant in time leads to frustrate the main object of the said Scheme.

14. Further it is relevant to state that respondents have annexed a letter dated 19.12.2014 (Annexure -II) to show that the old records of the year 1932 to 31.12.2010 (including the records of

File No.138/07 relating to appointment of applicant on compassionate ground) were required to be destroyed from 'P' Branch/PHQ, M.S.O. Building, I.P. Estate, New Delhi as per the past practice. As such the records relating to the applicant in PHQ were destroyed pursuant to said letter dated 19.12.2014. So the said show cause notice can be said to be an empty formality which respondents had done to cover up their omission in the matter of grant of appointment to the applicant on compassionate ground despite the same had been approved by the competent Committee. Further the applicant has denied receipt of the said show cause notices, therefore no reply was filed by the applicant.

15. In view of the above and for the foregoing reasons, the impugned order dated 25.8.2017, vide which ex-parte proceedings were initiated against the applicant, is quashed. The respondents are directed to consider the case of the applicant for grant of compassionate appointment in view of the decision taken by them in the year 2007 itself which was approved by them and also take necessary steps for completing the codal formalities as had been conveyed to DCP/4<sup>th</sup> Bn. DAP, subject to satisfactory verification of character & antecedents, medical fitness and final checking of documents etc. in furtherance of their said decision. This exercise shall be completed within a period of three months from the date of receipt of a certified copy of this order.

16. The present OA is allowed in terms of the above directions. There shall be no order as to costs.

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

/ravi/