

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI
OA No. 578/2019**

New Delhi, this the 20th day of February, 2019

Hon'ble Mr. Pradeep Kumar Member (A)

Harsh Malik, (Compassionate Appointment)
Aged about 21 years,
S/o Late Sh. Subhash Chand, H.C.
R/o Village Hasanpur, P.O. Lisadh,
Distt. Shamli, UP- 247775

.....Applicants

(By advocate : Mr M K Bhardwaj)

Versus

1. Govt of NCT of Delhi,
Through its Commissioner of Police,
Police Head Quarter,
I.P. Estate, New Delhi
2. The Dy. Commissioner of Police,
Police Control Room,
Model Town, Delhi

.....Respondents

O R D E R (O R A L)

Mr. Pradeep Kumar Member (A):

1. Heard Mr M K Bhardwaj learned counsel for the applicant. There was no appearance on behalf of the respondents.
2. Learned counsel for the applicant brought out that the applicant is the son of late Head Constable Shri Subhash Chand who was working in Delhi Police. Said Shri Subhash Chand had unfortunately expired on 16.10.2012 due to sudden death while still in service. Thereafter, the widow of the late

employee applied for compassionate ground appointment in respect of her son Shri Harsh Malik, the instant applicant, to tide over the difficulty being faced by the bereaved family.

3. This request was rejected by the respondents vide their letter dated 12.01.2018 on the reason that there was an FIR no 442/2007 under Section 409/420/422 IPC lodged in Police Station Mandawali, Delhi against said Shri Subhash Chand.
4. In view of this pending FIR, the compassionate ground appointment request could not be considered under the eligibility criteria as per relevant standing order no. 39/2014 issued by Delhi Police.
5. The applicant brought out that subsequent to the death of said Shri Subhash Chand, the additional Deputy Commissioner of Police, Delhi Police had passed following orders in respect of said FIR:-

“HC (Exe) Subhash Chand No. 644/PCR (PIS No. 28824210) was placed under suspension w.e.f 01.12.2007 (i.e. date of arrest) due to his involvement in case FIR No. 442/07 dated 19.09.2007 u/s 409 IPC P S Mandawali, Delhi vide order no. 2016-50/HAP(P-IV)/PCR dated 05.02.2008. He expired on 16.10.2012 due to sudden death and his name has been struck off from the roll of Delhi Police w.e.f 17.10.2012 vide order No. 27005-27165/WF-(IV)/PCR dated 25.10.2012. Therefore the suspension period of late HC (Exe.) Subhash Chand No. 644/PCR from 01.12.2007 to 16.10.2012 is hereby decided as period spent on duty for all intents and purposes under the provisions of FR-54(B)(2). The D.E. initiated against the late HC vide order No. 20167-201/HAP/P-II/PCR, dated 10.08.2011 is hereby dropped and the name of the late HC is also removed from the list of police personnel involved in criminal case.”

6. The applicant pleaded that since the FIR itself had been quashed the reason of FIR, given for rejection of compassionate ground appointment, cannot be

accepted. The applicant had been making requests to the respondents to review his request and when nothing materialized, he had filed the instant OA.

7. Matter has been heard at length. The OA is disposed of at admission stage itself, without going into the merits of the case, with directions to the respondents to take into account the quashing of the FIR and dropping of departmental chargesheet , reconsider the case of said Shri Harsh Malik, son of Shri late Subhash Chand, Head Constable for compassionate ground appointment and pass a reasoned and speaking order within a period of three months of receipt of certified copy of this order.
8. The applicant shall have liberty to approach the Tribunal, if some grievance still subsists. No costs.

**(Mr. Pradeep Kumar)
Member (A)**

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