

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

OA NO.694/2018

New Delhi this the 4th day of February, 2019

HON'BLE MR. PRADEEP KUMAR, MEMBER (A)

1. Sh. Yashwant Singh,
Aged about 30 years
(DOB 08.05.1988),
S/o late Ram Rattan,
R/o 298, Gali No.3,
Village Nangli Poona,
Delhi-110036.
2. Smt. Shakuntla,
Aged about 60 years,
W/o late Ram Rattan,
R/o 298, Gali No.3,
Village Nangli Poona,
Delhi-110036. ...Applicants

(By advocate: Mr. S.K. Gupta)

VERSUS

Govt. of NCT of Delhi

1. Chief Secretary,
Govt. of NCT of Delhi,
Players Building,
I.P. Estate, New Delhi.
2. Pr. Secretary (Home),
Govt. of NCT of Delhi,
5th Level, C Wing,
Delhi Secretariat,
I.P. Estate, New Delhi.
3. Commissioner of Police,
Police Headquarter,
MSO Building,
I.P. Estate, New Delhi.
4. Dy. Commissioner of Police
(Prov. & Logistics),
Police Headquarter,
MSO Building,
I.P. Estate, New Delhi. ...Respondents

(By advocate: Ms. Harvinder Oberoi)

ORDER (Oral)

Mr. S.K. Gupta appeared for the applicants. Ms. Harvinder Oberoi appeared for the respondents.

2. One Smt. Shakuntala, wife of late Sh. Ram Rattan, who was working as ASI (MT) in Delhi Police and died in harness on 9.5.2014, had requested for compassionate ground appointment in respect of her son Sh. Yashwant Singh. This was considered by the respondents and Smt. Shakuntala was advised on 09.12.2015 as under:

"With reference to your application for appointment of your son Yashwant Singh as Ct. (Exe) in Delhi Police on compassionate grounds. I am directed to inform you that your above request has been considered by the Police Establishment Board meeting but could not be acceded to due to less deserving."

3. Thereafter, Smt. Shakuntala requested the Hon'ble LG of Delhi also for compassionate ground appointment in respect of her son Shri Yashwant Singh. This was considered by the respondents again and she was advised on 08.01.2018 as under:

"I am directed to refer to the request of Smt. Shakuntla W/o Late ASI (MT) Ram Ratan No.164/1 regarding compassionate ground appointment of her son Sh. Digvijay Singh in Delhi Police received through O.S.D. to Lt. Governor, Delhi and to inform that case of Smt. Shakuntla W/o Late ASI (MT) Ram Rattan No.164/L regarding compassionate ground appointment of her son Sh. Yashwant Singh to the post of Const. (Ex.) in Delhi Police, was considered by the Competent Authority and rejected due to Overage, as the same is not covered under the eligibility criteria of Standing Order No.39/2014 issued by Delhi Police."

4. Since the compassionate ground appointment request for Sh. Yashwant Singh, has been rejected twice, the applicant has felt aggrieved and preferred the instant OA.

5. Applicant No.1, namely, Sh. Yashwant Singh has sought the relief in the form of quashing the respondents' letter dated 09.12.2015 as well as 08.01.2018 and to quash the reasons for rejecting the request of compassionate ground appointment for applicant no.1 on account of his being overage and to quash the Standing Order No.39 of 2014 which governs the stipulation for age for such appointments and for seeking direction to the respondents to consider the case of applicant No.1.

6. The applicants pleaded that as per DOP&T guidelines, age relaxations are permissible for appointment. This relaxation becomes further relevant in the case of compassionate ground appointment wherein it is the compassionate conditions of the family, which is the prime factor so as to provide succor to the bereaved family.

7. The respondents pleaded that compassionate ground appointment is not a vested right and it is a consideration to be extended to the bereaved family to take care of the immediate needs and to avoid financial distress and penurious conditions for the family.

In the instant case, this consideration was extended to the applicant and his case was rejected on account of being less

deserving and this decision was communicated on 09.12.2015. Subsequently, when a representation was made to the Hon'ble L.G. of Delhi, the case was considered once again. However, it could not be agreed to on account of age related eligibility criteria specified in Standing Order No.39/2014 issued by Delhi Police. This decision was also communicated to the applicant on 08.01.2018. Hence nothing survives in this case and OA needs to be dismissed.

8. Matter has been heard at length. Compassionate ground appointment is not a vested right but a consideration that needs to be extended to the bereaved family to provide immediate help and to avoid conditions of penury. This has been extended twice but did not succeed and objective reasons have been advised to the applicant. While there is need to extend sympathetic consideration, but needs of public service shall continue to be paramount and hence the conditions of employment need to conform to the relevant rules. These are governed by Standing Order No.39/2014 in the instant case, which have been followed.

Therefore, nothing subsists in the instant application for compassionate ground appointment for Shri Yashwant Singh.

9. The present OA is disposed of accordingly with liberty to the applicant to make a fresh representation to the respondents for consideration in respect of any other family members of the applicant within three weeks, if they so wish. In case such an application is made, the respondents are directed to consider the

same and pass a reasoned and speaking order within a period of eight weeks from the date of receipt of representation.

10. Accordingly, OA is disposed of. No costs.

(PRADEEP KUMAR)
MEMBER (A)

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