

Central Administrative Tribunal Principal Bench

OA No. 3886/2014

New Delhi this the 15th day of May, 2019

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

Smt. Ugesh, Age 35 years,
W/o late Sh. Bajrang Lal, Ex. Constable,
R/o Pole No.B-645, Nihal Vihar,
Near Dayma Dispensary,
Mandir Wali Gali,
Nangloi, Delhi-110 041 - Applicant

(By Advocate: Mr. Rajesh Kumar for Mr. Sachin Chauhan)

VERSUS

1. Govt. of NCTD through
The Commissioner of Police,
Delhi Police,
Police Headquarters, IP Estate,
MSO Building, New Delhi
2. The Dy. Commissioner of Police,
Special Cell through
the Commissioner of Police,
Delhi Police,
Police Headquarters, IP Estate,
MSO Building, New Delhi - Respondents

(By Advocate: Mr. Amit Anand)

ORDER (Oral)

The present OA has been filed by the applicant, seeking the following reliefs:-

“(i) To quash and set aside the order dated 18.09.2014 whereby the representation of applicant for grant of compassionate allowance has been rejected and to further direct the respondents to grant the compassionate

allowance under Rule 41 of CCS Pension Rules with all consequential benefits.

Or/any

Any other relief which this Hon'ble Court deems fit and proper may also be awarded to the applicant."

2. Both the counsel for the parties are present and assist the Court.
3. On Annexure A-2, a representation dated 26.06.2014 has been made by the applicant, Smt. Ugesh, who is the wife of late Sh. Bajrang Lal, Ex. Constable in which she has given detailed reasoning for requesting for consideration of application for grant of compassionate allowance. In this detailed representation, she has also mentioned various judgments on the basis of which she prays for compassionate allowances, especially in Paras 17, 18 and 19 of the representation. We find that the said representation has been dismissed by the respondents vide their order dated 18.09.2014 which reads as under:-

"We would like to inform you in connection with your request submitted on 26.06.2014 to Worthy Commissioner of Police, Delhi which was received I this office on 09.07.2014 for availing compassionate allowance.

It is submitted that your request/case was considered in the light of CCS(Pension) Rule 1972 but could not acceded to."

4. Quite clearly the above order of the respondents does not show any application of mind nor does it give any reasoning for not accepting the request of the applicant. Hence, the aforesaid order being totally abbreviated and non-speaking is quashed and set aside.

5. The learned counsel for the applicant also requests for permission to further supply to the respondents some other orders which have been passed in similar cases. The said permission is accorded and the applicant shall make a supplementary representation, if any, within 15 days of receipt of a copy of this order. Thereafter the respondents are directed to dispose of the aforesaid previous representation and if any supplementary representation is given by the applicant, within a period of 90 days from the date of receipt of the same, in accordance with law.

6. With the above directions, the OA stands disposed of. No costs.

(Nita Chowdhury)
Member (A)

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