

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) No. 1584/2014

% ***14th January , 2015***

MR. CHETAN SINGHPetitioner
Through: Mr. Aditya Kala, Adv.

VERSUS

THE DISTRICT & SESSIONS JUDGE & ANR. Respondents
Through: Mr. Nitesh Kumar Singh and Ms.
Latika Chaudhary, Adv. for Ms.
Avnish Ahlawat, Adv.

CORAM:
HON'BLE MR. JUSTICE VALMIKI J.MEHTA

To be referred to the Reporter or not?

VALMIKI J. MEHTA, J (ORAL)

1. By this writ petition filed under Article 226 of the Constitution of India, petitioner seeks compassionate employment from the respondent no.1/District & Sessions Judge on the ground that petitioner is the legal heir of his mother Smt. Sarla, who died in harness.

2. A reading of the writ petition shows that petitioner has not filed and relied upon the scheme for compassionate appointment to the post on which the petitioner is seeking compassionate employment. Filing of the

scheme by the petitioner showing as to how the petitioner complies with the terms of the same was a *sine qua non* for the petitioner to get relief in this writ petition.

3. On behalf of the respondents it is stated that the petitioner was charged with the murder of his mother and was in jail for a period of six years, but he was thereafter acquitted, and that the compassionate employment cannot be granted because the scheme requires application to be made within six months of the date of the death of the employee who dies in harness but in the present case the application was filed not within six months but after six years of the date of the death of the employee/Smt. Sarla. Respondents have also stated in the counter-affidavit that one of the reasons for non grant of compassionate employment was that the petitioner is not in a dire financial condition because in the present case the petitioner is in fact not only an owner of an LIG flat, but the deceased employee Smt. Sarla was survived by two sons one of which was the petitioner and whereas the other legal heir being the brother of the petitioner was given family pension till the brother died about 2 ½ years prior to filing of the counter-affidavit, the petitioner was given gratuity amount on account of death of his mother.

4. The impugned order dated 29.01.2014 passed by the respondents denying the employment to the petitioner reads as under:-

“As per order of Hon’ble High Court of Delhi dated 21.01.2014 on the subject cited above, the undersigned intimates you the reason of rejection of your application for compassionate appointment by the Ld. District & Sessions Judge (Hqs.), Delhi dated 25.10.2013 on the recommendation of Compassionate Appointment Committee dated 08.10.2013 as under:-

“The application is filed beyond time and the applicant is aged 30 years. He is the sole-heir of the LIG flat as all family members have expired. At present he is sole surviving legal heir of his father and thus he is owner of the flat. He is not recommended for appointment”.

5. In view of the aforesaid facts, I do not find any illegality or perversity in the impugned order of the respondents dated 29.1.2014 denying employment to the petitioner, not only because the application is time barred as per the extant compassionate scheme but also because petitioner is not found to be in dire financial straits for being entitled to compassionate employment.

6. Dismissed.

JANUARY 14, 2015
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VALMIKI J. MEHTA, J.