

\$~41

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2180/2016**
ASHOK KUMAR

..... Petitioner

Through: Mr. V.N. Raghupathy with Mr.
Gajanand Kirodiwal, Advs.
Ms. Ayushi Kiran, Adv.

versus

THE SECRETARY, NEW DELHI MUNICIPAL COUNCIL & ANR.

..... Respondent

Through: Ms. Puja Kalra, Adv. for R-1

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

%

15.03.2016

CM No. 9329/2016 (For exemption)

Exemption allowed, subject to all just exceptions.

W.P.(C) 2180/2016 & CM APPL. 9330/2016 (stay)

We have heard learned counsel for the petitioner who submits that a sympathetic view should be taken and the delay would not matter.

The father of the petitioner, who was working as Gangman, Anti-Malaria, had expired in harness on 16.11.2005. The present petitioner at that time was about 30 years of age. Two days before his death, father of the petitioner had requested that the petitioner should be appointed in his place. After his death, the petitioner's mother made some representations. The petitioner had also worked as

Muster Roll employee (*mali*) for some time during the years 2010-2011.

After a long gap and delay, the petitioner moved the original application before the Central Administrative Tribunal on 25.04.2013 seeking compassionate appointment. The Tribunal in the impugned order has referred to the delay in approaching the Tribunal. The petitioner was then about 39 years of age. The time gap reflects absence of immediate crisis from unexpected hardship and distress. Compassionate appointment is not a vested right. Mere representations would not justify and explain the delay of nearly 8 years.

The writ petition is dismissed.

SANJIV KHANNA, J

NAJMI WAZIRI, J

MARCH 15, 2016/acm