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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3463/2016
NARINDER KAUR Petitioner

Through Mr. Sachin Chauhan, Advocate.

versus

DELHI DEVELOPMENT AUTHORITY & ORS.... Respondents
Through Mr. Arun Birbal & Mr. Sanjay Singh,
Advocates for DDA.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
27.04.2016

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On 29th August, 2010, the petitioner was appointed as a Peon on compassionate ground in pay band 400-7440, Grade Pay Rs. 1300. Learned counsel for the petitioner submits that thirteen others were appointed on compassionate ground as Lower Division Clerks (LDCs) on 10th December, 2013. Relying on precept of equality, the petitioner seeks appointment to the post of LDC. The petitioner's claim for parity and appointment as LDC on compassionate grounds cannot and should not be accepted. The recruitment rules for LDC are clear and must be adhered to and followed. Compassionate appointment has a distinct purpose and objective and is not a source for recruitment. The petitioner must either compete with other for selection as a direct recruit or appears in the departmental examination or wait for his turn by way of promotion. The fact that the petitioner's father

was an LDC or the petitioner is a graduate cannot justify, the petitioner's claim that his appointment should be upgraded or he should be promoted as LDC. The petitioner was appointed as a peon, a post which he had accepted.

In the Original Application, the petitioner herein had not impleaded the thirteen appointees as respondents. But a prayer was made that their appointments was illegal and should be quashed. The impugned order dated 15th July, 2014 shows that the petitioner had given up the said prayer and had only pleaded equal treatment or parity with the said thirteen appointees. Petitioner cannot claim negative equality and predicate his case and claim discrimination. It is noticed that LDC is a promotional post from Group D and appointment also takes place by way of direct recruitment. In case the petitioner has still any grievance and wants to question appointment of others as LDC, it is open to him to file proceedings in accordance with law. We clarify that we have not expressed any opinion on merits or demerits of the said appointments as the said appointees are not present before us.

With the aforesaid observations, we dismiss the present writ petition.

SANJIV KHANNA, J.

NAJMI WAZIRI, J.

APRIL 27, 2016
VKR/NA