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

+ W.P.(C) 8980/2016

DAYA SHARMA

..... Petitioner

Through: Mr. Amit Kumar, Adv. with the
petitioner in person.

versus

UNION OF INDIA AND ANR

..... Respondent

Through: Mr. Rahul Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

18.01.2019

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C.M. No. 41583/2018

By this application the petitioner seeks condonation of delay of 690 days in filing the review petition. The reason given by the petitioner for the said delay is that the petitioner, on account of her financial condition, could not afford to engage a lawyer to prefer the review petition. For the reasons stated in the application, the delay is condoned.

The application stands disposed of.

REVIEW PET. 387/2018

The petitioner seeks review and recall of the order dated 19.10.2016 whereby the petition preferred by the petitioner was dismissed by the Division Bench by a considered order. The petitioner's claim for grant of extraordinary pension under Rule 3A read with Rule 3(4), of the Central

Civil Services (Extraordinary Pension) Rules, was rejected by the Tribunal. The petitioner had also preferred a review petition which had also been dismissed by the Tribunal. The writ petition preferred by him was also dismissed by this court on 19.10.2016.

The submission of the petitioner in review petition is that this Court has proceeded on a factually wrong premise when it observed that even though the petitioner's husband reached Dehradun on 16.10.2009, he did not go to the hospital on the same day. Learned counsel submits that the Court in paragraph 9 of the impugned order itself observed that the first date of consultation of the petitioner's late husband with the doctor was 16.10.2009. We do not find any merit in this submission.

The order passed by the Division Bench has to be read as a whole. When so read, what emerges therefrom is that the petitioner's late husband left Kochi on 13.10.2009 and arrived at Dehradun via Delhi on 16.10.2009. Though he may have taken consultation from Dr. Rajesh Sharma, as a matter of fact, he got admitted only on 16.10.2009 to the hospital. Thus, when the petitioner's late husband arrived at Dehradun, his condition was not such as to require hospitalisation.

Consequently, we find no merit in this petition.

Learned counsel for the petitioner submits that the petitioner had also applied for Compassionate Appointment. He submits that though the petitioner had secured 63 points upon taking into consideration all the parameters relevant for the purpose of grant of Compassionate Appointment under the policy of the respondent, and another candidate Shrimati Kamla Devi had secured 61 points, an offer of appointment was made as trainee to Shrimati Kamla Devi on 08.03.2010, and not to the petitioner.

In this respect, he has shown to the court the relevant documents. Learned counsel submits that on account of the petitioner's stringent financial condition, the petitioner could not take up the said cause before this court after the petitioner's Original Application was dismissed by the Tribunal in respect of grant of Compassionate Appointment. The petitioner has made a representation on 09.06.2018 in this behalf. The petitioner states that he has made another representation pursuant to the order passed by this Court on 19.10.2018. Let copies of both the representations along with the relevant documents be served on counsel for the respondent – Mr. Rahul Sharma within two weeks.

Mr. Sharma shall ensure that the said representations are placed before the competent authority for due consideration. We are hopeful that the petitioner's claim for compassionate Appointment shall be favourably considered under the policy, considering the fact that she claims that she is dependent on the pension received by her and the deceased Government servant is survived by a widow and two daughters, of which one is still unmarried.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

A. K. CHAWLA, J

JANUARY 18, 2019

N.Khanna