

\$~22

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

+ **W.P.(C) 1373/2017**

Date of Decision : 17th February, 2017

AMIT KUMAR Petitioner

Through Mr. Asish Nischal and Mr. Arun
Nischal, Advocates

versus

GOVT OF NCT OF DELHI AND ANR. Respondents

Through Mr. Sanjoy Ghose, ASC with Mr.
Rhishabh Jetley and Ms. Pratistha Vij,
Advocates for R-1 & R-2

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

SANJIV KHANNA, J. (ORAL):

The petitioner-Amit Kumar by this writ petition impugns the order dated 19.01.2017 whereby OA No. 1963/2015 filed by him has been dismissed by the Principal Bench of Central Administrative Tribunal, New Delhi.

2. The petitioner by the aforesaid OA had prayed for compassionate appointment, his father having expired on 13.12.2005. Learned counsel for the petitioner submits that the father of the petitioner was to superannuate on 31.08.2021 and the petitioner, at the time of the death of his father, was about 17 years of age.

3. The Screening Committee did not recommend the case of the

petitioner for compassionate appointment in 2008, 2009 and 2010. In 2010 the case was also directed to be finally closed. Notings on record show that the petitioner's claim was re-considered in 2014 in light of the circular dated 16.08.2013 and rejected by the Screening Committee.

4. The petitioner approached the Tribunal vide the aforesaid OA only in 2015, nearly 10 years after the death of his father.

5. Given the aforesaid delay and repeated rejections in 2008, 2009 and 2010, we do not think it would be appropriate and proper to interfere with the impugned order. Compassionate appointment is restricted to 5% of the total vacancies. In view of the said rule position, the compassionate appointment is to be offered to most deserving and compelling cases, keeping in view the respective financial condition and family circumstances. A Screening Committee undertakes the said evaluation. In the present case, the petitioner is unable to establish and show that the Screening Committee had wrongly rejected his case and gave undue benefit to the third persons in 2008, 2009 and 2010.

6. Learned counsel for the petitioner, has drawn our attention to page 188 of the writ paper book and submitted that the Screening Committee in 2014 had wrongly recorded that the petitioner has a mother and one sister aged 22 years. He submits that the petitioner in fact has two sisters. Page 188 of the paper book relates to the rejection for compassionate appointment in 2014. This order also records that the case of the petitioner was considered in 2008, 2009 and 2010, when the claim was finally closed.

7. We have also considered the application filed by the petitioner seeking compassionate appointment. The details of the sisters, whether they are studying or in service are not specifically mentioned in the application. We would not adjudicate this writ petition on the basis of challenge to the observations and findings recorded by the Screening Committee in 2014, nine years after the father had expired. The objective and purpose behind compassionate appointment is to tide over immediate financial distress and shock, on account of sudden death. Lapse of several years necessarily weakens such claim.

8. In view of the aforesaid, the writ petition has no merit and is accordingly dismissed. There would be no order as to costs.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

FEBRUARY 17, 2017

b