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

+ **W.P.(C) 874/2017**

SACHIN KUMAR GAUTAM

..... Petitioner

Through Mr. Arvind Kumar, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through Ms. Aastha Jain & Ms.Shreshth Jain,
Advocates for UOI.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

03.02.2017

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Sachin Kumar Gautam in this writ petition impugns the order dated 16th September, 2016 whereby the Principal Bench of the Central Administrative Tribunal (Tribunal, for short) has dismissed OA No. 3131/2015.

2. The petitioner is the son of late Tara Chand, who was an employee in Bharat Sanchar Nigam Limited. Tara Chand died in harness on 24th December, 2005. The petitioner had made an application seeking compassionate appointment in Group D service. In support and to establish indigence, his mother had submitted a declaration in form of an affidavit dated 22nd May, 2007. In this affidavit, she admitted being the owner and resident of house No. 31/6, EWS, Gangapur Colony, Machharia, Kanpur Nagar.

3. The application for compassionate appointment was considered by the Circle High Power Committee, who had applied 100 point weightage system. The petitioner was awarded 51 net points and having fallen short of

the minimum net points of 55 was not treated as an indigent case.

4. Subsequently, the petitioner submitted representations dated 19th March, 2012 and 30th June, 2012 contradicting the affidavit filed by his mother and asserting that his family did not own any house and they were tenants in the accommodation. Documents, including certificate from Kanpur Development Authority, rent agreement, etc. were produced. The Tribunal has adversely commented on the said documents stating that the same appear to have been procured in order to build up a case. The Tribunal has disbelieved and rejected the contention that the mother had inadvertently or by mistake stated that she was the owner of house No. 31/6, EWS, Gangapur, Colony, Machharia, Kanpur Nagar. The Tribunal has noted the fact that the petitioner and his mother had been residing in the said accommodation for the last fifteen years and the rent agreement, etc. all pertained to the period 2011 onwards. The Tribunal has highlighted the incongruities and discordance in the changed stand of the petitioner.

5. Father of the petitioner had expired on 24th December, 2005, about 11 years back. The application for seeking compassionate appointment along with the affidavit of the mother dated 22nd May, 2007 was made. The High Power Committee had rejected the petitioner's application on 19th December, 2011. The words “owns and resides” in the affidavit of the mother were significant and were voluntarily written at the first instance. More than a decade has elapsed since the father had died. At this belated point of time in the facts of the present case, we do not think we should now examine the claim for indigency. Compassionate appointment, by its very nature, is made to tide over penury and financial difficulties because of sudden death of the bread earner. Direction to grant compassionate appointment after lapse of

reasonable period, would not be justified and appropriate.

6. We would accordingly dismiss the writ petition, with no order as to costs.

SANJIV KHANNA, J.

CHANDER SHEKHAR, J.

FEBRUARY 03, 2017
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