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

+ **W.P.(C) 7535/2017**

DEEPAK KUMAR

..... Petitioner

Through: Mr. Romil Pathak and Ms. Shalini
Daftaur, Advs.

versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Arun Bhardwaj, CGSC with
Mr. Pradeep Jha, Adv. for R1.
Mr. K.K. Tyagi, Adv. for R2 and R3.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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29.08.2017

CM. No. 31093/2017 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 7535/2017

1. The present petition has been filed by the petitioner seeking compassionate appointment.
2. The facts noted from the writ petition are, the father of the petitioner was working as LDC in respondent no.2. He expired on August 3, 2006. It is the case of the petitioner that the deceased employee was survived by six daughters and a son. Out of six daughters, three were married at the relevant point of time. On August 17, 2006, petitioner's mother moved an

application for grant of compassionate appointment in favour of the petitioner. It is a conceded fact that on November 6, 2006, the application for compassionate appointment was rejected on the ground that the compassionate appointment can be made up to maximum of 5% available vacancies under direct recruitment quota. It is also the stand of the respondents that the Corporation is not resorting to any direct recruitment for the last many years. In fact the Corporation has resorted to Voluntary Retirement Scheme in the year 2002 and pursuant to which 1302 employees had taken VRS. In other words, there was surplus staff in the respondents Corporation.

3. It is the case of the petitioner that since 2006, the petitioner has been approaching various departments, authorities as well as the National Commission for Scheduled Caste. It is also averred that it was represented by the Corporation that there is a possibility of the petitioner being appointed as WAG (II) through direct recruitment. It is also seen that the petitioner did appear in the written examination for the said post. Unfortunately, he was not successful. It is averred that in the year 2015, respondent Corporation had offered a Group-D Post (labour work) to the petitioner. It appears that the same was not accepted by him.

4. Suffice to state that the father of the petitioner died in the year 2006. Eleven years have elapsed thereafter. The purpose of seeking compassionate appointment is tie over an emergent situation arisen because of the death of an earning member of the family. That apart, the petitioner has not challenged the communication dated November 6, 2006 when the cause of action arose, whereby the request for compassionate appointment was rejected.

5. The petitioner does not aver as to what was he doing between 2006 till 2013. That part, having appeared in the process of selection and being not successful, the petitioner cannot seek appointment through another mode of recruitment i.e. compassionate appointment.

6. Noting the aforesaid facts, I am of the view, this is not a case where this Court in exercise of its power under Article 226 of the Constitution shall consider the prayers as made by the petitioner in the present writ petition.

The petition is dismissed.

V. KAMESWAR RAO, J

AUGUST 29, 2017/jg