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

+ W.P.(C) 1899/2017

DESH RAJ

..... Petitioner

Through: Mr.Manish Sangwan, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr.Dev P.Bhardwaj, CGSC for R-1
to R-3 with Mr.Surender Kumar,
Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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22.02.2018

1. The petitioner, Head Constable (GD), CRPF has filed the present petition praying *inter alia* that directions be issued to the respondents to grant him compassionate allowance, under Rule 41 of the CCS Pension Rules, 1972.

2. Learned counsel for the petitioner states that the petitioner was awarded the punishment of 'Dismissal from Service' on 21.03.2003, on the ground of unauthorised absence from duty, which order has attained finality. Thereafter, the petitioner had approached the respondents for grant of pension vide two legal notices dated 01.08.2006 and 28.06.2011, which were duly responded by the respondents on 23.02.2007 and 14.10.2011, respectively. Vide order dated 14.10.2011, the petitioner was informed by the respondents that as per Rule 24 of the CCS Pension Rules, 1972, dismissal or removal of the Government servant from a service or post entails forfeiture of his past service and since the petitioner herein had been

dismissed from service, he was not entitled to claim any pensionary benefits.

3. Admittedly, without approaching the respondents first for seeking compassionate allowance, the petitioner has directly approached this Court for issuance of directions to the respondents to release compassionate allowance in his favour alongwith the arrears.

4. Learned counsel for the petitioner seeks leave to withdraw the present petition, while reserving the right of the petitioner to submit a substantive representation to the respondents for grant of compassionate allowance.

5. The petition is accordingly disposed of with liberty granted to the petitioner to make a substantive representation to the respondents for grant of compassionate allowance, which shall be considered and decided by the respondents as per the fact situation and in accordance with law, within eight weeks from the date of receipt of the representation. The decision taken by the respondent shall be duly communicated to the petitioner in writing.

6. If the petitioner is still aggrieved, he shall be entitled to seek legal recourse.

7. The petition is disposed of.

HIMA KOHLI, J.

REKHA PALLI, J.

FEBRUARY 22, 2018

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