

\$~29.

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

+ W.P.(C) 12070/2018

ALI NADEEM USMANI

..... Petitioner

Through: Mr Vijay Kr Singh and Mr. Gaurav
Kumar, Advocates

versus

GOVT. OF NCT OF DELHI

..... Respondent

Through: Ms. Yeeshu Jain, ASC with Ms. Jyoti
Tyagi, Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

12.11.2018

%

1. The petitioner has preferred the present writ petition to assail the order dated 27.04.2018 passed by the Central Administrative Tribunal (CAT/ Tribunal) in OA No.2977/2017. By the impugned order, the tribunal has rejected the said O.A. along with M.A. No.3133/2017, whereby the petitioner sought condonation of delay in filing the said O.A.

2. The father of the petitioner, who was working in the post of Assistant Director, Tehsil Building died on 29.08.2009. On 07.05.2010 i.e. after a lapse of nearly nine months, the petitioner made a representation to the respondents to seek compassionate appointment. On 02.06.2010, he was asked to provide certain documents, which he provided on 08.06.2010. However, the Screening Committee in its meeting held on 20.10.2010 and

09.12.2010, did not recommend the case of the petitioner for appointment on compassionate grounds. This was communicated to the petitioner vide letter dated 27.01.2011. Thus, the petitioner was aware of the rejection of his application to seek compassionate appointment, firstly, on 27.01.2011. It appears that the petitioner again and again represented to seek compassionate appointment, rather than approaching the tribunal.

3. His application was rejected on 12.06.2012, since the Screening Committee did not find him fit for appointment under compassionate appointment quota in meetings held on 17.02.2012 and 30.03.2012. He made yet another representation on 26.08.2013. His mother made another representation on 27.08.2013 to the Chief Minister of Delhi. Once again, he was communicated the rejection of his representation on 20.12.2013. While doing so, reliance was placed on Office Memoranda dated 16.01.2013 and 30.05.2013 issued by the Government of India.

4. Thereafter, the petitioner preferred a writ petition before this Court vide Diary No.261402/2017. Since a writ petition was not maintainable, he preferred the O.A. along with the application to seek condonation of delay of 954 days being M.A. No.3133/2017. The tribunal has rejected the said application to seek condonation of delay and, consequently, dismissed the O.A.

5. The submission of counsel for the petitioner is that the petitioner made an application to seek compassionate appointment without any delay. He further submits that he and on his behalf, his mother thereafter followed up the matter by repeatedly approaching the respondents, but to no avail. He submits that the petitioner has taken all steps that he could have taken and

the tribunal was not justified in dismissing the O.A. on the ground of delay.

6. Having heard counsel for the petitioner and perused the record, we are of the view that there is no merit in this petition. It is well settled that compassionate appointment is granted to the bereaved family to provide immediate succour and to tide over the financial distress that the family is visited with on account of the sudden demise of the government servant. In the present case, the father of the petitioner died on 29.08.2009. He made his application only after about nine months on 07.05.2010, and the first rejection was communicated to him on 27.01.2011. Rather than approaching the tribunal at that stage, it appears that he sought to repeatedly make representations, which were again and again rejected. Thus, the initial period of financial distress and trauma that the petitioner and the family members underwent was undergone by the petitioner and his family members, and it could not be said that when he approached the tribunal in 2017, that the urgency to grant compassionate appointment to the petitioner subsisted. It is well settled that merely by making repeated representations, the period of limitation cannot be extended.

7. In these circumstances, we are of the view that the tribunal was justified in rejecting the application to seek condonation of delay and dismissing the O.A. The petition is, accordingly, dismissed.

VIPIN SANGHI, J

A. K. CHAWLA, J

NOVEMBER 12, 2018 sr