

\$~10

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

+ **W.P.(C) 9448/2018**

UNION OF INDIA AND ORS

..... Petitioner

Through: Mr. R.V. Sinha, Mr. Ashok Singh and
Mr. A.S. Singh, Advocates

versus

SMT. NANDA DEVI

..... Respondent

Through: Mr. S.R. Jolly and Mr. M.K. Khanna,
Advocates

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

20.11.2018

%

1. Issue notice. Learned counsel for the respondent accepts notice. By the previous order, the petitioner was required to serve a copy of the petition on the respondent. The same has been served and, consequently, the respondent is represented.

2. We have heard learned counsel for the parties. We proceed to judgment. The petitioner has preferred the present writ petition to assail the order dated 20.03.2018 passed by Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No. 1931/2016. The tribunal has disposed of the said O.A. with a direction to the petitioner to consider the

claim of the respondent for appointment on compassionate ground under the rules. While doing so, the rejection of the respondents request for compassionate appointment vide its letter dated 06.11.2015 has been set aside.

3. The respondent's husband died in harness on 29.03.2002. She applied for compassionate appointment. It is her case that the said application was not actioned and the orders rejecting her application were passed only on 06.11.2015 i.e. after a lapse of 13 years. Her application was rejected on the ground that appointment on compassionate ground to second wife and her children are not to be considered. It was asserted that the respondent was the second wife of the deceased government servant.

4. The submission of Mr. Sinha, learned counsel for the petitioner is that the O.A. was filed highly belatedly. Though the application for compassionate appointment had been made on 20.06.2002 in view of the death of the government servant on 29.03.2002, even if it were to be assumed that the same was not actioned, the respondent should have approached the tribunal within the period of limitation and could not have waited endlessly. The further submission is that the respondent being the second wife was not entitled to compassionate appointment under the policy. Last but not the least, the submission of Mr. Sinha is that, in any event, the respondent was not entitled to compassionate appointment since such appointment is granted to provide immediate succour to the bereaved family to tide over the financial crisis that the family is visited with on account of the demise of the government servant. The purpose is to deal with the financial penury that the family of the deceased government servant may run

into. Since the government servant in the present case had passed away on 29.03.2002, there was no immediacy to provide compassionate appointment after so many years.

5. On the other hand, learned counsel for the respondent submits that the first wife of the deceased government servant as per her own communication had married soon after the demise of the government servant. Therefore, the said ground is not available to the petitioner. The further submission of learned counsel is that the O.A. was not barred by limitation, since the rejection order came only on 06.11.2015.

6. Having heard learned counsel, perused the impugned order and the record, we are of the view that the impugned order is laconic and cannot be sustained. While passing the impugned order, the tribunal has failed to appreciate the purpose for which compassionate appointments are granted. It is well settled that there is no vested right to seek compassionate appointment. Such appointment, as aforesaid, are provided out of turn and out of compassion only to provide immediate succour to the family of the deceased government servant and to save it from financial ruination.

7. Without going into the issue whether the respondent was the second wife of the deceased government servant and whether she was entitled to seek compassionate appointment on that account, and also without going into the aspect of limitation for preferring the O.A., we may observe that in the facts of the present case, there was no urgency left for grant of compassionate appointment to the respondent or even for considering her case in the year 2016 when the impugned order was passed, considering that the government servant had passed away on 29.03.2002. Obviously, over a

span of 14 years, the need for grant of compassionate appointment would have evaporated.

8. For the aforesaid reasons, we allow the present petition and set aside the impugned order leaving the parties to bear their respective costs.

VIPIN SANGHI, J

A. K. CHAWLA, J

NOVEMBER 20, 2018

sr