

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

Date of Order: January 10, 2018

+ W.P.(C) 243/2018 & C.M. 1043/2018

SMT. OM WATI

..... Petitioner

Through: Mr. Nitin S. Tambwekar &
Mr. Seshatalpa Sai Bandaru, Advocates

Versus

RESERVE BANK OF INDIA AND ANR.

..... Respondents

Through: Mr.K.S. Parihar & Mr. H.S.
Parihar, Advocates

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. This is fourth round of litigation. Vide order of 3rd March, 2015 (*Annexure P-6*), respondents' plea of denial of compassionate allowance on the ground that it can be granted to employees who had received the pension, was negated and respondents were directed to consider petitioner's case for grant of compassionate allowance within a particular time frame. Vide impugned order of 24th November, 2015 (*Annexure P-10*), petitioner's Representation seeking compassionate allowance has been rejected by observing that medical certificate of petitioner's husband was not produced and DoPT guidelines of 20th July, 1988 are applicable to all Government servants and not to employees of respondent -bank and that misconduct of petitioner's husband disentitles petitioner to receive compassionate allowance in terms of Regulation 27 of Reserve Bank of

India Pension Regulations, 1990.

2. Learned counsel for petitioner assails the impugned order by submitting that DoPT Circular of 20th July, 1988 gives the guidelines for grant of allowance on compassionate grounds and misconduct of petitioner's husband was not such, which should disentitle petitioner to grant of compassionate allowance, as due to illness, petitioner's husband was forced to remain on leave and integrity of petitioner's husband was never the subject matter of any inquiry. Reliance is placed upon a Division Bench decision of this court in *Balbir Singh Vs. Union of India & Ors*, 2015 SCC OnLine Del 6418, to submit that relevant consideration for grant of compassionate allowance is years of service rendered by an employee and means of sustenance, number of family members to support etc.

3. On the other hand, learned counsel for respondents supports the impugned order and submits that compassionate allowance has been rightly denied to petitioner.

4. Upon hearing and on perusal of impugned order, material on record and decision cited, I find that DoPT Circular of 20th July, 1988 may not bind respondents but it provides guidelines for grant of compassionate allowance, which ought to be considered by the respondents while considering the case for grant of compassionate allowance. It needs to be stressed that the nature of misconduct is not required to be considered but the poverty aspect has to be taken into consideration. In the instant case, service of petitioner's husband was terminated on account of his long leave due to ill health and not on account of any misconduct. It is

relevant to note that petitioner's husband died way back in the year 2004 and now to seek medical record of petitioner's husband, is not at all justified, particularly when no misconduct is attributable to petitioner's husband, who had rendered unblemished service of thirty two years.

5. Petitioner, in the application for grant of compassionate allowance, has asserted that she was earlier dependent upon her son but now her son has disassociated himself from her and she has no source of income and that she is a senior citizen and is suffering for a long time and is in desperate need of compassionate allowance. It is pertinent to note that the aforesaid stand taken by petitioner has not been controverted in the impugned order. The ratio of decision in *Balbir Singh (Supra)*, squarely applies to the facts of this case.

6. In view of aforesaid, impugned order is hereby quashed and respondents are directed to sanction compassionate allowance to petitioner from the date of the application, within a period of six weeks, failing which respondents shall pay interest @6% p.a. on the arrears of compassionate allowance.

7. With aforesaid directions, this petition and application are disposed of.

Dasti.

**SUNIL GAUR
(JUDGE)**

JANUARY 10, 2018

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