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

+ W.P.(C) 2901/2019

SMT. KRISHNA AND ANR. Petitioner

Through: Ms. Rashmi B. Singh, Adv.

versus

THE GENERAL MANAGER NORTHERN RAILWAYS

..... Respondent

Through: Mr. Jagjit Singh with Mr. Preet Singh
and Mr. Vipin Chaudhary, Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

25.03.2019

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C.M. No. 13469/2019

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(C) 2901/2019

The petitioners assail the order dated 10.10.2018 passed by the Central Administrative Tribunal, Principal Bench, New Delhi (the Tribunal) in O.A. No. 3089/2017. The Tribunal has rejected the said Original Application preferred by the petitioners seeking Compassionate Appointment on account of demise of the daughter-in-law of petitioner No. 1 and sister-in-law of petitioner No.2. The son – Mr. Narender Kumar Viridi of petitioner No.1 died in harness on 22.06.2013. Upon his death, his wife Smt. Bimla Viridi i.e. daughter-in-law of petitioner No. 1 and sister-in-law of

petitioner No.2, was granted compassionate appointment as a senior clerk – commercial branch in DRM office. Unfortunately, she too passed away while in harness. The petitioners then moved an application to seek Compassionate Appointment upon demise of Smt. Bimla Viridi. That application was not favourably considered and, consequently, the petitioners approached the Tribunal.

The Tribunal has rejected the Original Application by observing that neither of the petitioners satisfy the definition of “Dependent Family Member”, contained in OM dated 16.01.2013 where under Compassionate Appointments are made. The petitioners do not dispute the aforesaid position.

The petitioners, however, seek to rely upon the decision in *Smt. Duliya Bai Yadav v. State of Chhattisgarh*, Writ Petition (S) No. 5051/2014, decided by the High Court of Chhattisgarh, Bilaspur. She submits that the Allahabad High Court, in another case, granted compassionate appointment de hors the Rules in view of the penury of the applicant. We cannot agree to either of these submissions.

The facts in *Duliya Bai Yadav* (supra) were very different. That was a case where the mother-in-law had passed away and the daughter-in-law had been given Compassionate Appointment. That is not the case in hand.

We make it clear that Compassionate Appointment is not a source of recruitment. There is no vested right in person to seek Compassionate Appointment. The applicant may only seek consideration in terms of the scheme framed for the said purpose. The scheme cannot be broadened in its scope on such like considerations. The Courts are not expected to dole out relief on their own understanding of compassion. The Courts are also bound

by the discipline of law.

We do not find merit in this petition.

Dismissed.

VIPIN SANGHI, J

REKHA PALLI, J

MARCH 25, 2019

N.Khanna