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

+ **W.P.(C) 5890/2019**

EX P/NVK (AK) RAFEEK MOHAMMAD

..... Petitioner

Through: Mr. Ajit Kakkar with Ms. Shreshtha,
Advs.

versus

UNION OF INDIA & ORS

..... Respondent

Through: Mr. R.V. Sinha with Mr. Amit Sinha,
Adv. for R-1 to R-3

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

27.05.2019

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After some arguments, learned counsel for the petitioner submits that he does not press the present petition, on instructions from the petitioner. However, the petitioner states that since he has rendered 15 years of qualifying service, the respondents may consider his case for grant of Compassionate Allowance under Rule 41 of the CCS Pension Rules considering the fact that the ground of dismissal is unauthorised leave of the petitioner for 708 days and 9 hours and the charge did not involve any moral turpitude.

In these circumstances, we dispose of this petition with liberty to the petitioner for applying for Compassionate Allowance under Rule 41 of the CCS Pension Rules.

In case, an application is made, the respondents should consider the same on its own merits in view of the prevailing law as pronounced by the Supreme Court in *Mahinder Dutt Sharma v. Union of India & others*, 2014 11SCC 684.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

MAY 27, 2019

N.Khanna