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

+ **W.P.(C) 6616/2019**

ISHWAR BABURAO SURYAVANSHI Petitioner

Through: Mr. Karan Sharma, Adv.

versus

UNION OF INDIA AND ORS. Respondent

Through: Mr. Gigi George with Mr.
Anshuman,GP

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

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23.07.2019

CM APPL. 27960/2019

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

W.P.(C) 6616/2019

Issue notice. Learned counsel for the respondent accepts notice.

The petitioner has preferred the present writ petition to seek the following reliefs:

“a) Issue a writ, order or direction in the nature of certiorari for quashing the order dated 03/04/2019 passed by respondent No.2 dismissing the appeal filed by the petitioner.

b) Issue a writ, order or direction in the nature of certiorari for quashing the dismissal order dated 29/08/2003 passed by the addl. IG of respondent no. 2 denying retirement benefits to the petitioner;

c) Issue a writ, order or direction in the nature of mandamus directing the respondent no. 2 to provide retirement

benefits including compassionate allowance as per entitlement.”

At the outset, learned counsel for the petitioner, on instructions states that the petitioner is not pressing reliefs (a) & (b) and the petitioner is only pressing for consideration of his case for Compassionate Allowance under Rule 41 of the CCS (Pension) Rules.

The petitioner was dismissed from service in August, 2003 on account of his unauthorised absence.

Learned counsel for the respondent states that the petitioner has come to this Court highly belatedly. On account of the said delay, he may not be entitled to arrears of Compassionate Allowance in the eventuality of the same being allowed upon consideration of his case. However, since the claim for compassionate allowance is a continuous cause of action, in case, he is found to be so entitled, there is no reason to deny him the same for the current period on grounds of delay and laches.

We, therefore, dispose of this writ petition with a direction to the respondent to consider the petitioner’s case for Compassionate Allowance in terms of the judgement of the Supreme Court in *Mahinder Dutt Sharma v. UOI & Ors.*, (2014) 11 SCC 684 for the current period.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J

RAJNISH BHATNAGAR, J

JULY 23, 2019