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

+ **Date of Decision: 07.8.2019**

% **W.P.(C.) No. 8580/2019**

UMA GAYAL Petitioner

Through: Ms. Shweta Rani, Advocate.

Versus

UNION OF INDIA & ORS.Respondents

Through: Ms. Shiva Lakshmi, Adv. with Mr.
Abhishek Khanna, Adv. for R-1 to 4.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

VIPIN SANGHI, J. (ORAL)

1. The petitioner has preferred the present writ petition to seek direction to the respondents to grant compassionate appointment to her.
2. The case of the petitioner is that her father died in harness on 4.3.1993, i.e. over 26 years ago. The petitioner's mother did not make an application for compassionate appointment for herself soon after the demise of her husband. The application for compassionate appointment was made only in the year 2011 which was rejected since the petitioner's mother had not passed class X. The petitioner states that she attained majority and completed her graduation in the year 2013 and made her application for compassionate appointment in 2018. She earlier preferred a writ petition before this Court which was disposed of vide order dated 4.07.2018 on the

statement of the counsel for the respondent that after 27.01.2014, the date when an official communication was written by the respondent No.4/DIG, CISF, Calcutta, to the petitioner declining her request for compassionate appointment on the ground that more than 20 years had lapsed from the date of death of the petitioner's father, the maximum period of 15 years as prescribed has subsequently been deleted by way of an amendment, vide Circular No.08/2016 dated 29.9.2016. On that basis, the petitioner was granted liberty to make a fresh representation which she did make. That representation has been rejected on 16/18.02.2019 on the ground that the claim for compassionate appointment had been made belatedly. The ground taken in the said communication is that Smt. Savitri Devi, wife of late Sh. Puran Chand-deceased (father of the petitioner), did not apply for her eldest daughter who gained majority in 1999 itself. Rather she chose the youngest daughter for compassionate appointment who gained majority in 2011. This shows that there was no pecuniary distress suffered by the family of the deceased during the said period. The second reason given by the respondent is that all the children of the deceased are married, implying thereby that they are able to sustain not only themselves, but also their spouses.

3. The submission of the learned counsel for the petitioner is that in view of the aforesaid circular dated 29.09.2016, there is no limitation within which the application for compassionate appointment has to be made and, whenever it is made, the same is bound to be considered. Learned counsel submits that only when the petitioner was able to complete her education, she could make an application and the same could not have been rejected for the grounds taken note of hereinabove.

4. We have heard learned counsel and perused the record. It is well settled that compassionate appointment is not a regular source of recruitment. It is granted only with a view to enable the family of the deceased government servant, who dies in harness, to tide over the immediate financial distress that the family is plunged into. The immediate financial distress that the petitioner's family suffered in the year 1993, obviously, cannot be said to have continued till 2018, when the petitioner made her application. During this time, the petitioner's mother raised all her children and provided support for their upbringing and education. Not only that, she also has been able to marry and settle all her children. We are, in fact, perplexed to observe the stand of the respondent that vide Circular No.08/2016 dated 29.9.2016, it has been decided that an application for compassionate appointment could be entertained at any point of time and irrespective of the passage of time from the date of demise of the government servant. Such a policy goes contrary to the fundamental premise on which the compassionate appointments are granted.

5. We do not find any merit in the present petition and the same is dismissed.

VIPIN SANGHI, J.

RAJNISH BHATNAGAR, J.

AUGUST 07, 2019

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