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

+ **W.P.(C) 8981/2018**

NARINDER SINGH

..... Petitioner

Through: Mr.Piyush Sharma and Mr.B.S. Jarial,
Advocates.

versus

**UNION OF INDIA THROUGH: DIRECTOR GENERAL, CRPF
AND ANR.**

..... Respondent

Through: Mr.Dev P. Bhardwaj, CGSC with
Ms.Anubha Bhardwaj and Mr.Jatin
Teotia, Advocates.

**CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH**

**ORDER
27.11.2019**

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1. The Petitioner is aggrieved by an order dated 25th May, 2018 whereby his request for grant of compassionate allowance was turned down by the Commandant, 121st Battalion of the Central Reserved Police Force ('CRPF').

2. The Petitioner was removed from service with effect from 16th January, 1995 for the offence of overstay of leave/absence from duty. Although, the Petitioner had a right to prefer appeal and thereafter a revision petition, against the above punishment, it is stated that he did not exercise such a right.

3. 23 years later, he filed an application on 14th March, 2018 seeking compassionate allowance in terms of Rule 41 of the Central Civil Service (Pension Rules).

4. In the counter affidavit filed on behalf of the Respondents, it is pointed out that against the above rejection of his request for compassionate allowance, an appeal was in fact preferred by the Petitioner which was rejected by the DIGP, CRPF on 11th January, 2018 on the ground that the appeal itself was time barred. It is further added that the benefit of compassionate allowance cannot be sanctioned after a lapse of such a long period of 23 years. In para 4 of the counter affidavit, it is pointed out that despite the best efforts made, the files of the departmental enquiry in respect of the Petitioner could not be traced out. As per the Appendix 3 of the CRPF Establishment manual, the prescribed life of the file of proceedings involving a major punishment is 15 years, whereas in the present case, more than 23 years have passed since the finalisation of the departmental enquiry. It appears that the departmental enquiry file in respect of Petitioner has therefore been weeded out.

5. Learned counsel for the Petitioner placed reliance on the decision dated 26th August, 2010 of this Court in W.P.(C) 2556/2010 (*Ex.L/Nk Mahabir Prasad v. Union of India*), where despite a 15-year gap between the date of removal and the date of application for compassionate allowance, this Court issued a mandamus to the Respondents to consider the case of the Petitioner therein for such allowance.

6. In the first place, there was nothing in the said judgment which indicates that the records of the disciplinary enquiry in that case were not available. Further, there is a distinction between a 15-year delay and a 23-year old delay. If it was within 15 years, it would still be possible to direct the Respondents to trace out the departmental file. In an instance of a 23-year old delay, it is not possible for the department to reconstruct a file that has already been weeded out.

7. Apart from saying that he is in dire financial condition, no plausible explanation is forthcoming from the Petitioner for the inordinate delay on his part in approaching the Respondents for grant of compassionate allowance. In the circumstances, the impugned decision of the Respondents declining the request of the Petitioner cannot be said to be unreasonable and as such, does not call for interference.

8. The petition is dismissed.

S. MURALIDHAR, J.

TALWANT SINGH, J.

NOVEMBER 27, 2019

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