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

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Date of Decision : 07.03.2019

+ W.P.(C) 8534/2017

SHOBHA RANI AND ANR Petitioners
Through: Mr. T.D. Yadav, Adv.

Versus

UNION OF INDIA AND ORS Respondents
Through: Mr. Ruchir Mishra and Mr. Jaswinder Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

VIPIN SANGHI, J (ORAL)

1. The petitioners have preferred the present writ petition to assail the order dated 30.03.2017 passed by the Central Administrative Tribunal, Principal Bench ("Tribunal") in OA No.4452/2014. The petitioners have preferred the said Original Application to challenge the speaking order dated 29.05.2014 passed by the respondents, in compliance of the directions issued by the Tribunal in O.A. No. 3702/2012. The directions issued by the Tribunal in O.A. No. 3702/2012 read as follows:

"3. In the circumstances, the OA is disposed of with a direction to respondents to pass a speaking order mentioning therein the details of all such dependents of deceased Government servants who are appointed on compassionate grounds and the points awarded to them as well as the points awarded to the applicant

with break up thereof. While doing such exercise, the respondents would also keep in view that the OM dated 05.05.2003 referred to in para 7 of their communication dated 14.06.2011 had since been superseded by the DOP&T in terms of OM dated 26.07.2012. Needful shall be done within a period of two months from the date of receipt of a copy of this order.”

2. The Tribunal held that the speaking order passed by the respondents was in compliance of the order of the Tribunal dated 11.10.2013 in O.A.3702/2012 and consequently, dismissed the Original Application.

3. When the writ petition came up before this Court, the following order was passed by us on 25.09.2017:

“The submission of learned counsel for the petitioner is that while disposing of the earlier Original Application, the Tribunal had directed the respondent to pass a speaking order mentioning therein the details of all such dependents of deceased Government servants who were appointed on compassionate grounds and the points awarded to them as well as the points awarded to the petitioners with breakup thereof. He submits that this direction has not been complied with by the respondents by passing a speaking order dated 29.05.2014.

We are, prima facie, satisfied that there has been noncompliance.

Issue notice. Mr.Jaswinder Singh, Advocate accepts notice and seeks time to take instructions.

List on 01.11.2017”

4. On 12.03.2018, learned counsel for the respondents, on instructions, stated that the respondents-department is willing to allow the petitioners to

inspect the relevant records pertaining to compassionate appointments granted to 26 persons in the years 2010-11; 24 persons granted compassionate appointments in the year 2011-12; and, 33 persons granted similar appointments in the year 2012-13. The petitioners were given the liberty to approach the respondents-department for fixing a date convenient for the purpose. Accordingly, the matter was adjourned to 14.05.2018. Despite grant of two months time for the said purpose, the petitioners did not approach the respondents to inspect the records. On 14.05.2018, the Court was informed that nobody turned up on behalf of the petitioners to seek inspection of the aforesaid records. In the interest of justice, last opportunity was granted to the petitioners to approach the respondents, well before the next date of hearing to inspect the relevant record, failing which, it was to be assumed that the petitioners did not wish to examine the record. The matter was adjourned to 04.10.2018. On 04.10.2018, the matter was simply re-notified for today. Once again, the petitioners have not approached the respondents to inspect the said records, even though, nearly ten months have elapsed since the passing of the order dated 14.05.2018. It is, thus, clear to us that the petitioners are not interested in inspecting the records, presumably for the reason that even the petitioners are aware that the inspection of the records would not yield any positive result for them.

5. The husband of petitioner No.1 died in harness on 15.08.2009. It is being nearly ten years since then. Compassionate appointment is not a regular source of recruitment. It is granted only to meet the immediate financial needs of the bereaved family, so that the family is able to tide over the financial stringency caused by the loss of the bread winner. With the

passage of time, the justification for grant of compassionate appointment fades away, as the upheaval that the family suffers would settle down with time. We may also observe that in intervening period other, and more observing cases for grant of such compassionate appointment also ripen.

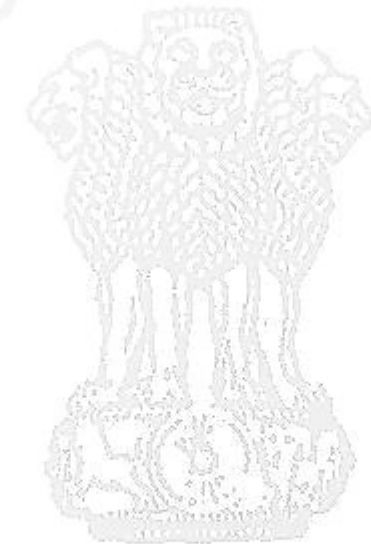
6. In the light of the aforesaid, considering the fact that nearly ten years have passed since the demise of the husband of petitioner No.1, in our view, the need to grant compassionate appointment to either of the petitioners does not survive any more. Petition is accordingly dismissed.

VIPIN SANGHI, J

A. K. CHAWLA, J

MARCH 07, 2019

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