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

+ W.P.(C) 857/2020

GOVT. OF NCT DELHI THROUGH CHIEF SECRETARY AND ORS.

..... Petitioners

Through: Mrs.Avnish Ahlawat, Standing Counsel,
GNCTD (services) with Mr.N.K.Singh,
Adv.

versus

AMIT KUMAR

..... Respondent

Through:

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **24.01.2020**

C.M.2674/2020(Exemption)

1. Exemption is allowed subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 857/2020 & C.M.2673/2020 (stay)

3. The present petition is directed against order dated 20.05.2019 passed by the Central Administrative Tribunal ('Tribunal') in CP No.187/2019 arising from O.A.No.4509/2017, which was decided on 13.04.2018.
4. Brief facts of the present matter are that the father of the respondent, working as Safai Karamchari at G.B. Pant Institute, died on 17.09.2001. After demise of the father of the respondent, an application was made by the respondent in the year 2003 for appointment on compassionate basis.
5. Having received no favourable response from the petitioner, the respondent approached the Tribunal by filing O.A.4509/2017. The O.A was

disposed of vide order dated 13.04.2018 which reads as under:

“Heard the parties. Sh. H.D. Sharma, learned counsel for the respondents submitted that the respondents will consider the case of the applicant before the next Screening Committee constituted for the purpose of compassionate appointment. Learned counsel for the applicant submitted that in view of the aforementioned submission of the respondents, this OA may be disposed of with a direction to the respondents to re-consider the case of the applicant for compassionate appointment before the next Screening Committee duly constituted for the purpose of compassionate appointment within a period of four months.

2. O.A. is disposed of accordingly. No costs.”

6. Ms.Ahlawat, learned counsel for the petitioner submits that the case of the respondent, after being considered on three occasions, was rejected by a speaking order. She submits that having regard to the economic condition of the respondent and his family, each of the applications made by the respondent were considered on their own merits. She also submits that as per the directions laid down by the Apex Court, only 5% of vacancies can be reserved for appointment on compassionate basis. She submits that vide order dated 20.05.2019 the Tribunal has granted a period of two months to examine the case of the respondent but the case of the respondent cannot be considered in isolation as over 358 applications are pending for appointment on compassionate grounds.

7. We have heard learned counsel for the petitioner and examined order dated 20.05.2019 passed by the Tribunal.

8. The Tribunal has not issued any direction to the petitioner to grant appointment to the respondent on compassionate grounds but has only directed the petitioner to consider the claim of the respondent within two months.

9. For the reasons explained orally, we grant six weeks' further time to the petitioner to comply with order dated 20.05.2019 and consider the case of the respondent.

10. With the above directions, the writ petition of the stands disposed of.

C.M.2673/2020 (stay)

11. In view of the order passed in the writ petition, the application stands disposed of

G.S.SISTANI, J

ANUP JAIRAM BHAMBHANI, J

JANUARY 24, 2020

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