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

+ LPA 95/2020

ANKIT KUMAR

..... Appellant

Through: Mr. Shesh Datt Sharma, Ms. Sapna
Mishra, Advs.

versus

STATE (GOVT OF NCT) DELHI & ORS

..... Respondent

Through: Mrs. Avnish Ahlawat, Mr, N.K.
Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

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18.02.2020

C.M. No. 6505/2020

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

C.M. No. 6506/2020

By this application, the appellant seeks condonation of delay of 12 days in re-filing the appeal. For the reasons stated in the application, the delay is condoned. The application is allowed.

LPA 95/2020 and C.M. Nos. 6504/2020

By the aforesaid application, the appellant seeks condonation of 845

days delay in filing the appeal. We are not satisfied with the explanation furnished in the application. In any event, we have heard learned counsel for the appellant and we are not satisfied that the impugned order needs no interference.

We, therefore, do not propose to pass any order in the application.

The appellant has assailed the order dated 10.04.2017, passed by the learned Single Judge in W.P. (C.) No. 3004/2017 – dismissing the appellant's writ petition to seek a direction for compassionate appointment by the respondent No.3 school on account of death of Shri. Hari Ram, who was working as Chaukidaar with the said school. The learned Single Judge has rejected the writ petition by observing that respondent No. 3 School is an aided school i.e. it receives 95% of its aid from the Government of NCT of Delhi. He has observed that the said factor does not detract from the fact that the respondent No. 3 is a private school and, therefore, the policy for compassionate appointment is not applicable to respondent No. 3.

We find that the appellant claims compassionate appointment on account of demise of Shri Hari Ram by claiming that he is the son of Shri Hari Ram. Admittedly he is not the natural born son of Shri Hari Ram. The appellant has disclosed that Shri Hari Ram had married his widowed mother and that he was born out of the wedlock of his mother with her earlier husband. Admittedly, there is no adoption deed in respect of the appellant to establish that he was adopted by Shri Hari Ram as his son. Apart from the reasons recorded by the learned Single Judge, the aforesaid is also another reason why the appellant could not be granted relief.

In any event, Shri Hari Ram passed away on 09.02.2016. It is well settled that compassionate appointment is not a regular source of

recruitment, it is provided to the bereaved family to tide over the immediate and emergent financial distress that the family may find itself on account of the demise of the Government servant in harness. Considering the fact that merely four years have passed since the demise of Shri Hari Ram, in any event, no compassionate appointment could be granted to the appellant.

Dismissed.

VIPIN SANGHI, J

SANJEEV NARULA, J

FEBRUARY 18, 2020

N.Khanna