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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: 21.10.2021

+ **W.P.(C) 11819/2021 & CM APPL. 36549/2021**

NAVDEEP SINGH RAWAT Petitioner

Through: Dr. Jugesh Aspal & Mr.
D.S.Negi, Advs.

versus

UNION OF INDIA & ORS. Respondent

Through: Mr.G.D.Sharma, & Ms. Rupali,
Advs.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

NAVIN CHAWLA, J. (Oral)

1. This petition has been filed by the petitioner praying for a direction to the respondents to appoint the petitioner to the post of Head Constable (Min) or any other suitable post on compassionate basis. The petitioner further challenges the Compensatory Basis Special Recruitment Drive/Process initiated by the respondents vide Circular No. R.2-5/2021-EC-5 dated 12.08.2021 and Circular No. D-10-2/2021-Social (Sp.Cell)-D.A-2 dated 02.08.2021.

2. It is case of the petitioner that the father of the petitioner was working as an Inspector and died due to a heart attack in service on 30.10.2017. The petitioner applied for a compassionate appointment vide an application dated 17.09.2018, however, by a communication dated 29.09.2018, the petitioner was informed that at present there was no vacant post for Constable (Min) and as and when any vacancy arises and the recruitment process is initiated on compassionate ground, the petitioner shall be informed. The same answer was given

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to the mother of the petitioner vide letter dated 23.02.2019 of the respondents. Thereafter, the application of the petitioner seeking appointment on compassionate grounds was returned vide letter dated 22.03.2019, with instructions to contact Group Centre, CRPF, Greater Noida. However, subsequently, vide communications dated 21.10.2019 and 14.12.2019, the petitioner was informed that his application for appointment to the post of Head Constable (Min) on compassionate ground cannot be considered as he has already crossed the age group of 18 years to 25 years prescribed for the post of Head Constable (Min) and being married, is not entitled to age relaxation.

3. The learned counsel for the petitioner submits that on the date of the death of the father of the petitioner, the petitioner was not married and was, therefore, eligible for relaxation in the age eligibility criteria. He submits that by delaying the consideration of application of the petitioner, the petitioner cannot be later declared as ineligible only on the ground that he has later got married and is not entitled to age relaxation.

4. We have considered the submissions made by learned counsel for the petitioner, however, find no merit in the same. As contended by the petitioner himself, the request of the petitioner for seeking compassionate appointment had been rejected on 29.09.2018, 23.02.2019 and 22.03.2019 on the ground that no vacancies were available for the post of Constable (Min) at that relevant time. Subsequently, in terms of the policy, the petitioner could not be considered for appointment as the concession of age relaxation was not available to the married son of the deceased employee.

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5. Recently, in *State of Uttar Pradesh and Others vs. Prem Lata*, 2021 SCC OnLine SC 872, the Supreme Court has summarized the law laid down on compassionate appointment by observing that compassionate appointment is an exception to the general rule and no aspirant has a right to compassionate appointment. Such appointment can be made only on fulfilling the norms laid down by the State's policy and/or satisfaction of the eligibility criteria as per the policy. The norms prevailing on the date of the consideration of the application should be the basis for consideration of claim for compassionate appointment. The compassionate ground is a concession and not a right.

6. Applying the above test to the facts of the present case, no merit is found in the above recorded submissions made by learned counsel for the petitioner. It is not contended by the petitioner that at the time of rejection of his application in 2018 and 2019, there were, in fact, posts of Constable (Min) available with the respondents. The petitioner has also not challenged the policy of not granting any age relaxation to the married son of the deceased employee.

7. In view of the above, we find no merit in the present petition. The same is dismissed. There shall be no order as to costs.

NAVIN CHAWLA, J

MANMOHAN, J

OCTOBER 21, 2021/rv/U.

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