



WEB COPY



WP.No.24085 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

WP.No.24085 of 2023
and W.M.P.No.23563 of 2023

D.Jothi

.. Petitioner

Versus

1.Union of India
Rep by The Director General of Police, CRPF
C.G.O.Complex, Lodhi Road
New Delhi – 110 003

2.The Deputy Inspector General of Police
Group Centre, CRPF
Amethi at Trisundo
PO-Ramganj, Distr – Amethi
UP – 228 159

3.The Deputy Inspector General of Police
Group Centre, CRPF
Avadi, Chennai – 600 065

4.The Commandant
28 BN CRPF
At PHC Bemina, Srinagar
Jammu and Kashmir C/O 56 APO

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the order issued by the office of the Directorate General, CRPF, vide No.A-VI-15/2022-Rectt-DA-9 dated 30.11.2022 and also conforming the order of the rejection letter received from the Commandant, 28 BN, CRPF, vide No.A-VI-1/2021-28-EC-1 dated 25.04.2022 and quash the same and in furtherance direct the respondents for the appointment of the petitioners daughter on compassionate grounds.



WEB COPY



WP.No.24085 of 2023

For Petitioner : Mr.A.Farhath Begum
For Respondents : Mr.R.Sidharth
Central Government Standing Counsel

ORDER

This writ petition has been filed challenging the order issued by the office of the Directorate General, CRPF, vide No.A-VI-15/2022-Rectt-DA-9 dated 30.11.2022 and also conforming the order of the rejection letter received from the Commandant, 28 BN, CRPF, vide No.A-VI-1/2021-28-EC-1 dated 25.04.2022 and quash the same and in furtherance direct the respondents for the appointment of the petitioner's daughter on compassionate grounds.

2. The grievance of the writ petitioner is that her husband died on 25.07.2009 in harness and she has given an application for appointment of her daughter on compassionate grounds. After receiving the requests, the respondents has proceeded and called for certain details and in fact, intimated the nature of the vacancy also. However, finally rejected the application for compassionate appointment on the ground that the petitioner's daughter married on 09.07.2008, even before the death of the petitioner's husband and she was not a dependent. Therefore, the petitioner's daughter does not come under the purview of the instructions contained in paragraph 2 of the DoP&T's O.M.No.14014/02/2012-Estt(D) dated 16.01.2023 that “a dependent family member, who is wholly dependent on the Government Servant/member



WP.No.24085 of 2023

of the Armed Forces at the time of his death in harness or retirement on medical grounds, as the case may be, applicable for compassionate appointment". Challenging such rejection order, this writ petition.

3. It is the contention of the learned counsel for the petitioner that the application of compassionate appointment has been filed immediately after the death of her husband. However, the respondents have not taken any action. Thereafter, she has given an application and in fact, called for certain details for processing the application and even gone to the extent of the intimating the nature of the vacancy. However, suddenly, the rejection order came to be passed merely because the petitioner's daughter is married, the same is not a ground to reject the compassionate appointment.

4. Heard both sides and perused the materials placed on record. On perusal of the entire materials, it is not disputed that the petitioner's husband died on 25.07.2009 and the petitioner, though claimed to have made an application immediately after the death, no materials whatsoever has been placed. However, the application for compassionate appointment as per the records is in the year 2020. Since, she has not filed any application in exact format as required, the same was intimated to the petitioner, thereafter, she has



WP.No.24085 of 2023

submitted the application as per the format. Therefore, merely because the respondents intimated the petitioner to apply in a correct format, this Court is of the view that will not give any absolute right to the petitioner's daughter for appointment.

5. It is also relevant to note that the petitioner's daughter was married on 09.07.2008, this fact is also not in dispute. When she is already married and is not depending on her father, the very claim of the appointment on the basis of the dependent will not arise at all. Further, it is also relevant to note that the daughter, on whose behalf the application is made has not claimed such appointment, only the mother has filed the application that too after 11 years of delay.

6. Such being the position, this Court is of the view that since the compassionate appointment is the exception to the general rule, the same cannot be claimed as a matter of right. It is only a concession to alleviate the distress of the family in need and immediate sustenance to maintain the family. Therefore, filing such application after a lapse of 11 years, one cannot seek compassionate appointment as a matter of right.

7. Accordingly, I do not find any merits in the case and this writ petition



WP.No.24085 of 2023

stands dismissed. No costs. Consequently, connected miscellaneous petition

stands closed.

16.08.2023

dhk

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To

1.The Director General of Police, CRPF
Union of India
C.G.O.Complex, Lodhi Road
New Delhi – 110 003

2.The Deputy Inspector General of Police
Group Centre, CRPF
Amethi at Trisundo
PO-Ramganj, Distr – Amethi
UP – 228 159

3.The Deputy Inspector General of Police
Group Centre, CRPF
Avadi, Chennai – 600 065

4.The Commandant
28 BN CRPF
At PHC Bemina, Srinagar
Jammu and Kashmir C/O 56 APO

N.SATHISH KUMAR, J.



WEB COPY



WP.No.24085 of 2023

dhk

W.P.No.24085 of 2023

16.08.2023