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

% Judgment delivered on: 10th November, 2023

+ W.P.(C) 7897/2022

KUSUM SINGH

..... Petitioner

versus

UNION OF INDIA AND ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Ankur Chhibber, Advocate.

For the Respondents: Ms. Pratima N. Lakra, CGSC for UOI.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks quashing of order dated 02.07.2021 whereby the request made by the petitioner for grant of compassionate allowance has been rejected. Petitioner seeks grant of compassionate allowance in terms of Rule 41 CCS (Pension) Rules, 1972.

2. The husband of the petitioner was employed with the CRPF in the rank of Constable/GD. A criminal case was registered against the husband, consequent to which, the departmental proceedings were initiated and he was dismissed from service. He impugned his removal by filing an appeal which was rejected and thereafter he



expired. Consequent to his expiry, the criminal case registered against him abated.

3. Petitioner, who is the widow of the deceased ex-Constable, also has two children, one of whom is stated to be 40% disabled on his left side. Subject application seeking compassionate allowance was filed but the same has been rejected.

4. Petitioner relies on the decision of a coordinate Bench of this Court dated 26.05.2017 in W.P.(C) 6529/2016 titled *Manju Singh vs. Union of India & Ors.* as also the decision of another coordinate Bench of this Court dated 22.02.2008 in W.P.(C) 5544/2007 titled *Ex. ASI Shadi Ram vs. Government of NCT of Delhi*: 2008 SCC Online Del 1396 wherein both the Benches have relied on several decisions of the Supreme Court and laid down the parameters to be considered while considering an application seeking compassionate allowance.

5. We notice that the request for grant of compassionate allowance has been rejected without considering the parameters as laid down in *Ex. ASI Shadi Ram* (supra) and *Manju Singh* (supra).

6. In view of the above, the impugned order dated 02.07.2021 is set aside. The matter is remitted to the respondent, i.e, the appropriate authority to consider the claim of the compassionate allowance in terms of the Rule 41 of the CCS (Pension) Rules, 1972 and in terms of the Judgment in *Ex. ASI Shadi Ram* (supra) and *Manju Singh* (supra).



7. Petition is disposed of in the above terms.
8. A decision be taken within a period of eight weeks from today.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

NOVEMBER 10, 2023
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