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

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Judgment delivered on: 12.07.2023

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**W.P. (C) 9162/2023 & CM. APPL. 34827/2023**

ANWAR KHAN alias ANWAR CT/GD (951360047)

.... PETITIONER

versus

UNION OF INDIA AND ORS.

.... RESPONDENTS

**Advocates who appeared in this case:**

For the Petitioner:

Mr. Somnath Bhattacharya, Advocate.

For the Respondent:

Mr. Ashish Batra, Senior Panel Counsel and

Mr. Neeraj Kumar Jha, Advocate for UOI.

**CORAM:-**

**HON'BLE MR JUSTICE SANJEEV SACHDEVA**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**JUDGMENT**

**SANJEEV SACHDEVA, J. (ORAL)**

1. Petitioner impugns order dated 21.03.2023, whereby the representation of the petitioner for grant of compensation allowance has been rejected on the ground that the representation was filed after a delay of over 12 years.

2. Petitioner, who was serving as a Constable (Driver) with the



respondents, was dismissed from service after a departmental inquiry against him. He impugned his dismissal but was unsuccessful up to the Supreme Court. The final decision by the Supreme Court was on 28.01.2013. Petitioner thereafter filed a representation on 27.02.2023, seeking grant of compensation pension under Rule 41 of the CCS (Pension) Rules, 1972.

3. The representation of the petitioner has been rejected solely on the ground of it having being filed after a lapse 12 years. Learned counsel for petitioner submits that it is a settled position that pension cannot be denied if otherwise admissible, on account of the fact that delay has occasioned in demand of pension. He submits that since the petitioner is seeking compensation allowance and pension, mere delay in filing the representation should not be a ground for denying the same.

4. Issue notice. Notice is accepted by learned counsel appearing for respondents.

5. Learned counsel for respondents under instructions submits that the competent authority shall dispose of the representation on merits.

6. In view of the above, the impugned order 21.03.2023 is set aside. Respondents are directed to decide the representation of the petitioner dated 27.02.2023 and pass a speaking order on the merits of



the same within a period of eight weeks from today. Representation shall not be rejected solely on the ground of delay.

7. Petition is disposed of in the above terms. It is clarified that this Court has neither considered nor commented upon the merits of the claim of the petitioner and the representation be decided without being influenced by anything stated in this order on merits.

8. Order *dasti* under signature of the Court Master.

**SANJEEV SACHDEVA, J**

**JULY 12, 2023/NA**

**MANOJ JAIN, J**

भारतमेव जयते