



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

% *Date of decision: August 10, 2023*

+ W.P.(C) 10543/2023

BALDEEP KUMAR

..... Petitioner

Through: Mr. T.D. Yadav, Adv.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Vivek Goyal, CGSPC with
Mr. Gokul Sharma, GP for UOI

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO, J. (ORAL)

1. The challenge in this writ petition is to an order dated July 26, 2018, in Original Application No.1098/2017 ('OA', for short) and order dated March 11, 2020, in Review Application No.159/2018 ('RA', for short) passed by the Central Administrative Tribunal Principal Bench, New Delhi ('Tribunal', for short) whereby the Tribunal has dismissed the OA and the RA filed by the petitioner.

2. The claim of the petitioner before the Tribunal was for grant of compassionate appointment pursuant to the death of his father in the year 2009. It is a conceded case and as urged by Mr. T.D. Yadav, learned counsel for the petitioner that the elder brother of the petitioner had applied for compassionate appointment. Later, in the year 2010,



the petitioner herein had submitted an application for compassionate appointment. The petitioner is the second son of the deceased employee. The said application was rejected on December 28, 2016. The Tribunal vide impugned order, more specifically in paragraphs 5 to 7 has held as under:

“5. In the instant case the applicant does not fulfil the object of compassionate ground appointment after a long gap of more than five years and as the retiral dues to the tune of Rs. 31,73,000/- lacs have already been paid to the family of the deceased employee and in regard to four dependents of the deceased, they are already granted family pension in the instant case. Moreover, the competent authority has already decided the case of the applicant for compassionate appointment and rejected the same vide letter dated 28.12.2016.

*6. In view of the foregoing reasons, the learned counsel for the applicant also brought out one judgment dated 08.09.2010 of Hon'ble Supreme Court passed in Civil Appeal No. 7472 of 2010 with No. 7474 of 2010 in the case of **Kranti Associates Private Limited versus Masood Ahmed Khan and Other**, wherein it was directed to pass a speaking order. The counsel pleaded that for rejection, the respondents have not passed a speaking order.*

7. The compassionate ground appointment is not a matter of right but a benevolent act., which consideration has been extended and case rejected. This is considered sufficient. In view of the above, the OA is dismissed being devoid of merits. No costs.”

3. The submission of Mr. T.D. Yadav, learned counsel for the petitioner is that the ground on which the Tribunal has rejected the OA is that the petitioner had made the application after five years of the death of his father, which was clearly after a long time and does not depict the purpose for which compassionate appointment has been



sought, i.e., to take care of the immediate hardship faced by the family of the deceased employee.

4. His submission is that initially it is the elder brother of the petitioner, who had submitted the application. However, it is later when the elder brother had written to the respondents to consider the case of his younger brother, that the petitioner had submitted the application in the year 2010 and hence in that sense the application was not barred by time.

5. We are not impressed by the said submission made by Mr. Yadav. It is conceded by Mr. Yadav during the course of his submissions that an amount of ₹31,73,000/- was paid to the family of the deceased employee which was distributed amongst the legal heirs including the petitioner herein. That apart, it is also noted that the wife of the deceased employee was receiving family pension. We have been informed by the learned counsel for the respondents that she has since expired.

6. Be that as it may, the intent of the scheme for compassionate appointment is only to tie over a situation which has arisen on the death of working person in the family. It is not such a case here, more so, when the family has received an amount of ₹31,73,000/-.

7. We find that the Tribunal has rightly rejected the OA. Even the RA which was filed by the petitioner was rightly rejected by the Tribunal by stating in paragraphs 11 to 13 as under:

“11. The averments in OA had nowhere brought out that said Sh. Sandeep Kumar ever applied for compassionate appointment. It only narrates the reasons for delay in release of retiral dues obtaining succession certificate on



07.06.2014 and thereafter he gave no objection in favour of Sh. Baldeep Kumar on 15.05.2015, where after Sh. Baldeep Kumar applied for compassionate appointment.

Therefore, the question mark on the veracity of letter dated 10.02.2010 (Para 3 Supra) raised by the respondents (Para 7 Supra), cannot be brushed aside and especially so in view of response by the applicant in para 3.1 above.

12. While granting compassionate ground appointment, many aspects are required to be taken into account by the respondents and to judge the relative merit of all such applications under consideration. The Master Circular No. 6 relied upon by the applicant is a detailed circular running into 12 pages with 14 subheadings to keep in view different parameters of compassionate ground appointment.

One specific aspect of "within 10 years" cannot be quoted out of context. The family has received retiral dues and has been able to take care of themselves all these years.

13. The Tribunal is of the view that there is no error apparent in the face of law in dismissal of OA seeking compassionate appointment. Accordingly, RA No. 159/2018, is dismissed being devoid of merit. No costs."

8. We do not find any merit in the petition. The same is dismissed.

V. KAMESWAR RAO, J

ANOOP KUMAR MENDIRATTA, J

AUGUST 10, 2023/aky