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

+ **W.P.(C) 13610/2023**

SHRI DEEPAK MALIKPetitioner

Through: Mr. Amit Gupta, Advocate.

versus

THE ADDITIONAL SECRETARYRespondent

Through: Mr. Niraj Kumar, Senior Central
Govt. Counsel with Mr. Chaitanya Kumar,
Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

04.07.2024

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1. This petition has been filed by the Petitioner under Articles 226 and 227 of the Constitution of India, seeking the following reliefs:

“a) Issue a writ of mandamus or an order, direction in the nature of mandamus or any other writ provision for issuing a writ of mandamus or certiorari or any other appropriate writ against the respondent to direct the respondent to give/announce the job for petitioner in place of his deceased father namely Sh. Raj Kumar Malik with all the consequential benefits as well as other future services benefits.

b) Pass any other or further relief, which this Hon'ble Court deem fit and proper under the facts and circumstances of the case in favour of petitioner and against the respondent.”

2. It is the case of the Petitioner that his father namely late Sh. Raj Kumar Malik was an employee of the Department and expired on 24.02.2008. At the time of his death, Petitioner's father was posted as Peon with the Respondent i.e. Department of Health and Family Welfare, Ministry of Health and Family Welfare. After his father's untimely death,



Petitioner applied to the Respondent for compassionate appointment vide his application dated 18.04.2012 as the family had no other source of income and was in a state of penury. From the counter-affidavit filed on behalf of the Respondent, it is revealed that the application was considered by the Committee along with other applications and names of 22 applicants were recommended which did not include the Petitioner. The Minutes of Meeting enclosed with the counter-affidavit indicate that Petitioner's case was not recommended as he was a minor at that stage. Petitioner again made an application dated 27.10.2017 upon attaining majority, however, till date no decision has been communicated on the said application to the Petitioner, constraining him to file the present petition.

3. Mr. Neeraj Kumar, learned Senior Central Government Counsel appearing on behalf of the Respondent does not dispute that the application dated 27.10.2017 is still pending consideration. Relying on the counter-affidavit, it is submitted that after the application of the Petitioner was received along with several other applications, verification teams, Scrutiny Committee and Selection Committees were constituted. Verification teams visited the residences of the applicants to collect factual data. Learned counsel further submits that currently, the matter is under consideration by the Selection Committee after receipt of report from the Scrutiny Committee and assures the Court that the decision shall be taken within a period of 08 weeks from today.

4. In view of the aforesaid stand of the Respondent, this writ petition is disposed of, directing the Respondent to take a decision on the application of the Petitioner for compassionate appointment as expeditiously as possible and not later than 08 weeks from today considering that the application is



pending from the year 2017 and the delay clearly defeats the purpose of compassionate appointment. The decision so taken, shall be communicated to the Petitioner and his counsel within 01 week from the date of decision. Needless to state that Petitioner will be at liberty to take recourse to legal remedies in case of any surviving grievance.

JYOTI SINGH, J

JULY 4, 2024/DU