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

+ **W.P.(C) 10173/2024**

HARPREET SINGH

.....Petitioner

Through: Mr. Shanker Raju, Mr. Nilansh Gaur
and Ms. Himantika Saini Gaur, Advocates.

versus

PRINCIPAL DISTRICT AND SESSIONS JUDGE HQ

TIS HAZARI

.....Respondent

Through: Mrs. Avnish Ahlawat, Standing
Counsel, GNCTD, Services with Mr. Nitesh
Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza
Alam and Mr. Mohnish Sehrawat, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **25.07.2024**

CM APPL. 41767/2024 (exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. This writ petition has been preferred by the Petitioner seeking quashing of the impugned order dated 02.07.2024 with a direction to the Respondent to consider the claim of the Petitioner for compassionate appointment on merits, as per the applicable scheme.
4. As per the narrative in the writ petition, late Harmesh Kumar, father of the Petitioner, who was employed at Tis Hazari Courts, died on 08.03.2019, leaving behind a widow and two minor children, one of them being the Petitioner. The widow of late Harmesh Kumar applied for compassionate appointment on 01.05.2019 but unfortunately, passed away



on 10.12.2019. Daughter of late Harmesh Kumar, namely, Manpreet Kaur made an application for compassionate appointment on 18.02.2020. However, since she wanted to pursue her studies, the application was not pressed and her younger brother i.e., the Petitioner, who was 16 years at that time, made an application on 25.11.2020, seeking compassionate appointment.

5. It is averred that since the Petitioner was a minor and two years short of the eligibility age, his application was rejected on 17.02.2021 on the ground that he had not attained the eligibility age. On attaining the age of majority on 21.04.2023, Petitioner applied for compassionate appointment. However, by impugned order dated 02.07.2024, the Committee rejected the request of the Petitioner for compassionate appointment on the ground that the application had been received after 4 years and 5 months from the date of death of the deceased employee and the earlier application had been rejected and was not kept in abeyance till the Petitioner attained majority. Impugning the order, present petition has been filed.

6. Issue notice.

7. Mrs. Avnish Ahlawat, learned Standing Counsel accepts notice on behalf of the Respondent.

8. Heard learned counsels for the parties.

9. A reading of the impugned order shows that the application of the Petitioner was rejected on the ground that it was filed after 4 years and 5 months from the date of death of his father and the first application was not kept in abeyance but was rejected. In my view, the reason for rejection of the application is wholly erroneous. Delay cannot come in the way of the Petitioner in seeking compassionate appointment for the simple reason that



he had made an application on 25.11.2020 soon after his sister decided not to seek compassionate appointment. On the date of the first application, Petitioner was a minor and thus ineligible for applying. Ideally, the application should not have been rejected and Respondent ought to have kept the same pending for a reconsideration once the Petitioner attained majority. Instead of following this path, Respondent chose to reject the application, for which Petitioner cannot be blamed. On attaining majority, Petitioner without any delay made another application on 02.02.2023, which deserves consideration on merit and Petitioner cannot be ousted on ground of delay.

10. Accordingly, this petition is disposed of directing the Respondent to consider the application of the Petitioner for compassionate appointment in accordance with the applicable scheme/policy of compassionate appointment, within a period of six weeks from today. The application will be considered as per the criteria laid down in the policy, which the Petitioner has to fulfil but *dehors* the fact that the application was made after 4 years and 5 months from the date of the death of late Harmesh Kumar. Reasoned and speaking order shall be passed by the Respondent, which shall be communicated to the Petitioner within one week from the date of decision and Petitioner will be at liberty to take recourse to legal remedies in case of any surviving grievance and if so advised. It is made clear that this Court has not expressed any opinion on the merits of the case.

JYOTI SINGH, J

JULY 25, 2024/jg/shivam