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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 16778/2022

SANDHYARANI NAYAK AND ANR.

.....Petitioners

Through: Mr. Samarendra Beura and Ms. Usha
Rani Pradhan, Advs.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Ms Anju Rani, Adv. for R-7

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

14.08.2024

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1. The petitioner nos.1 & 2, who are the widow and daughter, respectively, of late Ramakant Nayak, who was working as a Constable/Tailor in the Central Reserve Police Force (CRPF) and had been invalidated from service on 21.10.1994, have approached this Court seeking the following reliefs:

- a. Issue an appropriate writ, order or directions, particularly a Writ in the nature of Certiorari calling for the records and quashing the DIG, GC BBSR, CRPF Office Order no. P-III-78/94-PCG pension dated 21.10.1994; and*
- b. Issue an appropriate writ, order or direction, more particularly a writ in the nature of mandamus, directing the Respondents to grant disability pension and arrears thereto with interest to the late husband of Petitioner No. 1, Shri Ramakant Nayak; and*



- c. Issue an appropriate writ, order or direction, more particularly a writ in the nature of mandamus, directing the Respondents to grant extraordinary family pension to Petitioner no. 1 and arrears thereto; and*
- d. Issue an appropriate writ, order or direction, more particularly a writ in the nature of mandamus, directing the respondents to grant compassionate appointment for the post of HC/Min in CRPF, MHA or any alternative appointment to the petitioner no. 2; and*
- e. Pass such further or other orders as this Hon'ble Court may deem fit and proper under the circumstances of the case."*

2. Taking into account the petitioners' claim that the death of late Ramakant Nayak was attributable to service and after his death, they as their legal heirs were entitled to receive disability pension and not merely invalid pension, time was granted on the last date to the respondents to produce the record of the Court of Inquiry(CoI) which was conducted by the respondents to ascertain the reasons due to which late Ramakant Nayak had suffered injuries in the year 1992, leading to his invalidation from service.
3. Today, learned counsel for the respondents submits that the record of the Court of Inquiry held almost 32 years ago is no longer available having been already weeded out.
4. In the light of this position, once the record of the Court of Inquiry itself is not available, we see no reason to accept the petitioners' bald plea that the injuries suffered by late Ramakant Nayak were attributable to service. In our view, if the injuries suffered by late Ramakant Nayak were, as claimed by the petitioners, had been held to be attributable to service by the CoI, there was no reason for him to



not have raised a claim for disability pension during his lifetime. In these circumstances, the petitioners' claim for disability pension cannot be accepted at this belated stage.

5. At this stage, learned counsel for the petitioners submits that the petitioners have also sought directions to the respondents for consideration of the case of petitioner no. 2, who is the daughter of late Ramakant Nayak, for compassionate appointment, which request has been rejected by the respondents on 24.06.2024.
6. In our view, once, the petitioners' request for compassionate appointment has been rejected vide a detailed order passed by the respondents, no directions for granting compassionate appointment to petitioner no.2 can be issued without the petitioners assailing the said order.
7. The writ petition is, accordingly, dismissed with liberty to the petitioners to assail the aforesaid order dated 24.06.2024 as per law.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 14, 2024

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