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

+ **W.P.(C) 757/2020**

SH. PURAN SINGH

.....Petitioner

Through: Dr. L.S. Chaudhary, Dr. Ajay Chaudhary, Ms. Vinita, Ms. Monika, Mr. Bharat Chaudhary, Mr. Vikram Singh, Advs.

versus

UNION OF INDIA AND ORS.

.....Respondents

Through: Mr. Vikrant N. Goyal and Mr. Vivek Nilesh Goyal, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

21.08.2024

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1. The petitioner who had joined the Central Reserve Police Force [CRPF] as a Constable (GD) on 26.03.1981 and was subsequently removed from service on 06.08.1998 based on the findings of the departmental enquiry, has approached this Court by way of the present petition under Article 226 of the Constitution of India seeking directions to the respondents to grant him pensionary benefits as per law.

2. Learned counsel for the petitioner submits that although the petitioner's challenge to the removal order dated 06.08.1998 has already attained finality, he is, based on his long service as also his present financial condition, entitled to receive compassionate allowance under Rule 41 of the



CCS Pension Rules, which aspect has not even been considered by the respondents. He, therefore, prays that the petition be allowed by directing the respondents to forthwith sanction compassionate allowance in favour of the petitioner and direct them to pay the same along with arrears w.e.f. 22.07.2019, the date on which he submitted a representation seeking compassionate allowance.

3. Per contra, learned counsel for the respondents seeks dismissal of the writ petition by contending that since the petitioner never made any specific prayer for grant of compassionate allowance and merely prayed that he be granted pensionary benefits, the respondents were justified in rejecting his prayer for the same, as he was not entitled to any pensionary benefit upon his removal from service. He, however, submits that now that the petitioner is confining his prayer to the grant of compassionate allowance under Rule 41 of the CCS Pension Rules, the respondents will examine this aspect and pass a reasoned and speaking order expeditiously.

4. Having considered the submissions of learned counsel for the parties and taking into account the fair stand taken by the respondents that they are willing to consider the petitioner's prayer for grant of compassionate allowance, we are of the view that the writ petition can be disposed of by directing the respondents to consider this prayer of the petitioner in a time bound manner.

5. However, since we find that the petitioner had not specifically pleaded about his financial problems in the representations submitted to the respondents, we grant him four weeks time to move a specific representation seeking compassionate allowance under Rule 41 of the CCS Pension Rules. The respondents are directed to decide the said representation within a



period of eight weeks from the receipt thereof by passing a reasoned and speaking order. A copy of the said order will be communicated not only to the petitioner, but also to his counsel. Needless to state, while considering the petitioner's prayer for grant of compassionate allowance, the respondents will take into account the various decisions of this Court and the Apex Court, laying down the parameters for exercise of discretion for grant of compassionate allowance. We further make it clear that in case the petitioner is aggrieved by any order passed by the respondents, will be open for him to seek legal recourse as permissible in law.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 21, 2024
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