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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CONT.CAS(C) 1303/2024**
SH RAM PHAL DECEASED THROUGH LR SMT KAMLESH

.....Petitioner
Through: Mr. Nagendra Kasana, Ms. Anjana
Kasana and Mr. Ankur Rawat, Advs.

versus

MS. SHILPA SHINDE

.....Respondent
Through: Mrs. Avnish Ahlawat, Standing
Counsel (DTC) with Mr. Nitesh
Kumar Singh, Ms. Laavanya Kaushik,
Ms. Aliza Alam, Mr. Mohnish
Sehrawat and Mr. Amitoy Chaddha,
Advs. for DTC along with Mr. Amit
Kumar Singh, Manager (L), Mr.
Mukesh Sharma, Deputy Manager
(NND) for DTC

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
25.11.2024

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1. One Shri Ram Phal was employed with Delhi Transport Corporation (DTC) as a Driver. He was removed from service on 27.09.1994.
2. He has, unfortunately, later on, died on 04.03.2020.
3. Fact remains that the abovesaid workman Shri Ram Phal had filed a case in the Labour Court. However, the claim petition was dismissed by the above Court and, eventually, he had filed a writ petition which was registered

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as W.P.(C) 11387/2019. The abovesaid writ petition was taken up for consideration by the Coordinate Bench of this Court on 04.10.2023 and was disposed of with the following directions:

“12. In view of the aforesaid, this court deems it appropriate to issue the following directions:-

- (i) The petitioner is directed to submit an application in terms of Rule 41 of the CCS (Pension) Rules with the Competent Authority of the respondent-DTC within a period of 15 days from today;*
- (ii) The respondent-DTC is directed to process the application and to take a final decision in accordance with their statement made in paragraph no.3 of its counter affidavit within a period of two months from the date of receipt of the said application.”*

4. The present contempt petition has been filed by his LR's, contending that despite there being specific directions, the representation has yet not been decided.

5. When this matter was taken up on the last date of hearing, learned counsel for respondent had sought time, stating that the matter was under process.

6. Today, learned counsel for respondents informs that abovesaid request of the legal representatives of deceased Shri Ram Phal for grant of compassionate allowance under Rule 41 of CCS (Pension) Rules, 1972/2021 has been considered and the representation has been rejected by the competent authority i.e. Regional Manager (East), DTC while observing as under:

“Whereas while evaluating the claim for compassionate allowance after 29 years of dismissal from service, the case does not deserve any special consideration, therefore Smt. Kamlesh is not entitled or eligible for compassionate allowance under Rule 41 of CCS (Pension) Rules, 1972/2021 and her representation is to be rejected.”



7. Undoubtedly, there is delay in deciding the representation but fact remains that the abovesaid application moved from the side of the deceased employee Shri Ram Phal has already been decided by the respondent.
8. Needless to say, in case the petitioners are aggrieved by the abovesaid order dated 12.09.2024, they can always take recourse to appropriate action as available to them under law.
9. Copy of the order dated 12.09.2024 is taken on record and be made part of the record and be incorporated in the e-file.
10. The present contempt petition stands disposed of in aforesaid terms. Petitioners are at liberty to take any further action as available to them under law.

MANOJ JAIN, J

NOVEMBER 25, 2024/ns

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