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

+ **W.P.(C) 8936/2006**

RAM KUNAL

.....Petitioner

Through: Mr. Jawahar Raja, Ms. L. Gangmei
and Ms. Meghna De, Advocates.

versus

B.S.E.S.RAJDHANI POWER LTD.

.....Respondent

Through: Mr. Gulshan Chawla, Advocate for
Respondent No.1.

Mr. Sandeep Prabhakar and Mr. Vikas Mehta,
Advocates for Respondent No.2/BSES-YPL.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **17.09.2024**

1. This writ petition has been preferred on behalf of the Petitioner seeking quashing of orders dated 28.02.2005 and 25.08.2005 passed by Respondent No. 2 rejecting the application of the Petitioner for grant of compassionate appointment on the ground that as per existing policy, compassionate appointment can be made up to a maximum of 5% vacancies falling under direct recruitment quota in Group 'C' and 'D' posts and there was no vacancy at the stage when the Petitioner had applied. Father of the Petitioner was working as an Assistant Lineman with BSES and died on 29.12.2000 leaving behind his wife, a daughter and three sons including the Petitioner. Petitioner preferred an application for appointment on compassionate ground but the same was rejected on 15.04.2002 on the ground that Petitioner was a minor. Upon attaining majority, Petitioner filed another application on 17.09.2003 which was rejected by the impugned order.



2. Mr. Sandeep Prabhakar, learned counsel appearing on behalf of BSES-YPL submits that the said Respondent had taken over the liability of erstwhile DVB as one of the successors after unbundling and thereafter has been maintaining a waiting list of those who have been applying for compassionate appointment and the name of the Petitioner will be added to the waiting list giving him seniority on the basis of date of his application, i.e., 17.09.2003.

3. In view of the stand taken by BSES-YPL, this writ petition is disposed of with a direction to the said Respondent to include the name of the Petitioner in the list of applicants waiting for compassionate appointment taking into consideration the date of his application i.e. 17.09.2003 for the purpose of seniority amongst the wait listed applicants. Needless to state that as and when the vacancies arise and the case of the Petitioner comes up for consideration in the order of his seniority, his case will be considered in accordance with law. Liberty is granted to the Petitioner to take recourse to legal remedies in accordance with law in case of any grievance in the future.

JYOTI SINGH, J

SEPTEMBER 17, 2024

B.S. Rohella/shivam