



2025:DHC:680-DB



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

+ **W.P.(C) 11074/2019 & CM APPL. 31950/2020**

TARA SINGH AND ANR.Petitioners

Through: Mr. U. Srivastava with Mr.
Anoop Kumar and Mr. M.K. Gaur, Advs.

versus

UNION OF INDIA AND ORS. ...Respondents

Through: Ms. Monika Arora, CGSC with
Mr. Subhrodeep Saha and Mr. Prabhat
Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

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03.02.2025

C. HARI SHANKAR, J.

1. This writ petition challenges order dated 14 August 2019 passed by the Central Administrative Tribunal¹ in OA 2740/2016.

2. The petitioners are father and son, with Petitioner 2 being the son of Petitioner 1.

3. Petitioner 1 was compulsorily retired from service on the ground of vision malingering. As a result, Petitioner 2, his son, was denied compassionate appointment on the ground that the applicable policy did not permit compassionate appointment of dependence of persons who were guilty of vision malingering.



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4. The petitioners in their OA, challenge the decision to compulsorily retired Petitioner 1 as well as deny compassionate appointment to Petitioner 2.

5. The Tribunal has, unfortunately, only addressed the second aspect of the matter and has not addressed the legal sustainability of the decision to compulsorily retire Petitioner 1. This position has been noticed by this Court in the very first order passed in the present case on 13 November 2019 while issuing notice in the writ petition.

6. We have heard learned counsel for both sides.

7. Mr. Srivastava, learned counsel for petitioners, is agreeable to disposal of this writ petition without interfering with the decision of the Tribunal qua the aspect of compassionate appointment but with a direction to re-consider the challenge against the compulsory retirement of Petitioner 1.

8. Accordingly, while upholding the impugned judgement of the Tribunal, to the extent it rejects the prayer for compassionate appointment of Petitioner 2, The challenge by Petitioner 1 to his compulsorily retirement is remitted to the Tribunal for consideration and decision.

9. As the issue is of considerable vintage, both parties are directed to appear before the Tribunal on 12 February 2025.



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10. The Tribunal is requested not to adjourn the matter on the said date. Learned counsel for the parties also assure that no adjournment would be sought on that day.

11. The Tribunal is also requested to take the decision in the matter as expeditiously as possible thereafter and, if possible, within a period of four weeks.

12. Needless to say, the rights of the parties, should they choose to remain aggrieved by the decision of the Tribunal, stand reserved.

13. The petition stands disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

FEBRUARY 3, 2025

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Click here to check corrigendum, if any