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

+ W.P.(C) 4667/2025

KANTA DEVI & ANR.

.....Petitioners

Through: Counsel (Appearance not
given)

versus

COMMISSIONER OF POLICE & ANR.

.....Respondents

Through: None

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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26.02.2026

1. By way of the present petition, the Petitioners seek to challenge the final order dated 22.09.2023, passed by the Central Administrative Tribunal, Principal Bench, New Delhi [hereinafter referred to as 'Tribunal'], wherein the Original Application filed by the Petitioners (Applicants before the Tribunal), seeking compassionate appointment of the Petitioner No.2, came to be dismissed.

2. In order to comprehend the issue falling for consideration of this Court, the relevant facts are required to be noticed.

3. Late Sh. Bhoora Singh, the husband of the Petitioner No.1 and the father of the Petitioner No.2, passed away in December, 2015. Prior to his demise, on 27.05.2015, he was declared to be medically invalidated. In substance, the Petitioner no.2 prays for compassionate job on account of the death of his father in December 2015. Following which, the Petitioners filed multiple representations before the concerned authority, seeking compassionate appointment of the Petitioner No.2, however, all of the said representations came to be



rejected.

4. Thereafter, aggrieved by the rejection of the claim of the Petitioners, they filed an OA before the Tribunal, seeking to set aside the orders dated 09.02.2017 and 14.10.2019, thereby directing the Respondents to consider the Petitioner No.2 for the said appointment. The Tribunal while recording a categorical finding that the father of the Petitioner No.2, although applied for provisional pension in the year 2011 it only came to be sanctioned in 2015. It was further noted that, during the time when Petitioner No.2 came to be considered for the appointment, his father was already above 55 years of age.

5. Further, the Tribunal took into account the policy governing compassionate appointment, which expressly stipulates that in the case of an invalidated employee above 55 years of age, compassionate appointment is not admissible. Holding that the scheme must be construed in its entirety and that its conditions are binding, the Tribunal proceeded to dismiss the OA. Aggrieved by such dismissal, the Petitioners have approached this Court.

6. The Petitioner no.2 before this Court, prays for compassionate appointment, consequent upon the demise of his father in December 2015. Additionally, it has also been contended by the learned counsel for the Petitioners that Late Sh. Bhoora Singh had, submitted a request seeking medical invalidation from service in the year 2011, however, the said request was not accepted at the relevant time, and ultimately came to be considered and allowed only in the year 2015.

7. The applicable policy unequivocally provides that where an employee is invalidated beyond the age of 55 years, no compassionate appointment can be granted. In the present case, the husband of Petitioner no.1 and father of the Petitioner no. 2 had voluntarily taken



retirement at the age of 56 years and 9 months, thereby attracting the embargo contained in the policy.

8. Moreover, the Petitioner no.2 is presently about 37 years and is married, as fairly admitted by Learned counsel representing the Petitioners. The family is in receipt of family pension and has sustained itself for the past 11 years. Notably, compassionate appointment is not a parallel mode of public employment, but a concession intended to provide immediate relief to a family rendered destitute by the sudden loss of its sole breadwinner. However, after the lapse of more than a decade, the very object of the scheme stands frustrated.

9. In addition to the aforesaid observations, insofar as the alleged delay on behalf of the competent authority in accepting the request for medical invalidation by Late Sh. Bhoora Singh is concerned, it may be noted that the validity thereof remains unchallenged by the Petitioners till date. Moreover, it merits consideration that the acceptance of such request squarely falls within the administrative domain and discretion of the employer, to be exercised in accordance with the applicable rules and service regulations.

10. Hence, the timing of such acceptance, unless demonstrated to be vitiated by mala fides, arbitrariness, or statutory infraction, cannot be subjected to judicial intervention. In the absence of any substantive challenge to the legality of the allegedly delayed order granting medical invalidation, the contention based solely on the ground of delay does not, by itself, give rise to a legally sustainable grievance.

11. Therefore, this Court is of the view that the Tribunal has taken a plausible and reasoned view based on the governing policy, which does not warrant any interference by this Court.



12. Accordingly, the present petition is dismissed, with no order to cost.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

FEBRUARY 26, 2026/rr/hr