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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 8174/2023

VIKASH KHATRI

.....Petitioner

Through: Ms. Sumita Hazarika and Mr.
Prakhar Gupta, Advocates.

versus

THE COMPTROLLER AND AUDITOR GENERAL OF
INDIA & ANR.

.....Respondents

Through: Dr. S.S. Hooda, Advocate.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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06.01.2026

1. The present writ petition is filed by the petitioner against the order dated 14.03.2023 (hereafter '**impugned order**'), passed in O.A. No. 2995/2017, whereby the learned Central Administrative Tribunal, Principal Bench had upheld the rejection of the petitioner's claim for compassionate appointment.

2. In substance, the petitioner seeks employment on compassionate basis as his father died during service on 11.06.2016. The Screening Committee constituted for screening such applications found that two elder brothers of the petitioner are settled separately. It was found that the petitioner was married having two daughters. The family had immovable properties apart from other financial benefits received at the time of death of the petitioner's father. In view of the aforesaid factors relating to financial distress and other aspects, the case of the petitioner was scrutinized and he was awarded 45 marks in



terms of the prescribed parameters, and his case was not recommended for appointment after finding that the family of the deceased was not in a state of financial destitution. Based on the petitioner's second representation, his marks were upgraded to 60 marks.

3. In the impugned order, the learned Tribunal has observed that compassionate appointment cannot be claimed as a matter of right and found that the orders passed by the Competent Authorities rejecting the application do not require interference as due procedure has been followed and adequate opportunities were afforded to the petitioner to furnish his claim.

4. The learned counsel representing the petitioner submits that failure to obtain sufficient marks cannot be the sole criteria to reject the application for compassionate appointment. She submits that the immovable property owned by the family of the petitioner is very small and the petitioner is in financial distress.

5. The learned counsel for the respondents submits that there is no infirmity in the impugned order and the learned Tribunal has rightly appreciated that the scope of compassionate appointment is limited.

6. We have heard learned counsel for the parties at length.

7. Pertinently, as noted above, the petitioner is married and has two daughters. It is not denied that the two elder brothers of the petitioner are already employed. The family also undisputably owns immovable property. The record indicates that all relevant parameters have been duly taken into consideration by the learned Tribunal and the Competent Authorities.

8. This Court also finds merit in the observation of the learned Tribunal that judicial review of administrative action is limited to



cases where there is evident bias or *mala fide* on part of the administrative authority. Although the counsel for the petitioner has argued that the rejection of the application solely on the basis of score is erroneous, it is palpable that the score is hinged on reasoned parameters to discern the financial distress suffered by the family of the deceased.

9. Moreover, a period of almost 10 years has elapsed since the death of the petitioner's father. In the case of ***The State of West Bengal v. Debabrata Tiwari & Ors. etc. etc. : CIVIL APPEAL NOS. 8842-8855 OF 2022***, the Hon'ble Apex Court had observed that the object behind compassionate appointment is to enable the family of the deceased to tackle the crisis of death of the bread-earner and to protect them from falling into a state of destitution and penury. It was thus observed that grant of compassionate appointment would be of no avail *after* the crisis has been overcome, and the sense of immediacy would be diluted after prolonged delay, even if the same is caused on part of the authorities deciding the claim.

10. In the present case as well, the family of the deceased, including the petitioner, have been able to sustain themselves for around a decade. Compassionate Appointment cannot be deemed to be akin to being a vested right of a relative and it is meant for only overcoming hardships faced as a consequence of the death of the deceased. Even though it is asserted that the petitioner still remains unemployed, his sustenance over the period of decade, even if with support of his family, cannot be ignored.

11. In view of the aforesaid discussion, considering the employment of the petitioner's brothers and the immovable property owned by the family of the deceased, in the opinion of this Court, it



would not be appropriate to interfere in the impugned order, especially after nearly a decade has passed since the death of the petitioner's father.

12. The petition is therefore dismissed.

ANIL KSHETARPAL, J

AMIT MAHAJAN, J

JANUARY 6, 2026

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