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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9947/2023 & CM APPL. 38332/2023

GOVT OF NCT OF DELHI

AND ORS

.....Petitioners

Through: Ms. Avshreya Pratap Singh
Rudy, CGSC & Ms. Laavanya
Kaushik, GP with Ms. Usha
Jamnal, Ms. Nyasa Sharma, Mr.
Ankit Khatri, Advs. and Ms.
Khyati Bansal for UOI.

versus

EX ASI HANUMAN SINGH

.....Respondent

Through: Mr. Gaurav Serawat, Adv.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

16.04.2026

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1. On 02.04.2026, the following order was passed:

"1. In this case, the learned Central Administrative Tribunal, Principal Bench, New Delhi has directed the Petitioners to grant compassionate allowance to the Respondent under Rule 41 of the CCS (Pension) Rules, 1972 [hereinafter referred to as 'Pension Rules'], while setting aside the order passed by the competent authority on 21.10.2019.

2. Learned counsel representing the Petitioner submits that the Respondent was dismissed from service in the year 2007, whereas his Appeal was dismissed on 09.05.2008. Thereafter, the Respondent, for the first time, filed an application for grant of compassionate allowance in the year 2019 after a delay of 11 years.

3. List on 16.04.2026 in the Supplementary list.

4. The Petitioner is also requested to produce before us the guidelines, if any, framed by the Government about the expression used in Rule 41 of the Pension Rules - "exceptional circumstances".

2. A reading of the impugned order passed by the Central Administrative Tribunal makes it evident that the direction to grant compassionate allowance has been ordered only on the ground that the



competent authority did not apply its mind while passing the order (whereby compassionate allowance was refused by the competent authority).

3. The compassionate allowance is payable under Rule 41 of the Central Civil Services (Pension) Rules, 1972. Proviso to Rule 41(1) of the Central Civil Services (Pension) Rules, 1972 uses the expression – “*if the case is deserving of special consideration*”.

4. It is the case of the Petitioners herein that the Respondent has failed to produce any material to prove that he falls within the aforesaid expression whereas the Respondent claims that he has a big family and he is suffering from starvation.

5. In the considered opinion of the Court, the learned Tribunal has erred in issuing direction for grant of compassionate allowance only on the ground that the authority has not applied its mind.

6. In such circumstances, the appropriate course would be to remit the matter back to the competent authority to pass a fresh order after considering all aspects of the matter.

7. Keeping in view the aforesaid position, the order passed by the learned Tribunal is modified and the competent authority is directed to take a final decision uninfluenced by its previous decision within a period of four weeks from today.

8. The present writ petition is disposed of in the aforesaid terms.

ANIL KSHETARPAL, J

AMIT MAHAJAN, J

APRIL 16, 2026/“SS”