
(2012) 11 DEL CK 0071
In the Delhi High Court
Case No : Writ Petition (C) 1425 of 1999

Anand Singh

APPELLANT

Vs

UOI and Others

RESPONDENT

Date of Decision : 19-11-2012

Acts Referred:

Citation : (2012) 11 DEL CK 0071

Hon'ble Judges : Pradeep Nandrajog, J; Manmohan Singh, J

Bench : Division Bench

Advocate : H.S. Dahiya, for the Appellant; Archana Gaur, for the Respondent

Judgement

Pradeep Nandrajog, J.—With reference to the record of the inquiry produced in Court today and on perusing the same and in the context of the signatures of the petitioner to be found on the charge-memo as also the Articles of Charge, statement of imputation, list of relied upon documents and list of witnesses and the order passed at the preliminary hearing where the petitioner made limited grievance of document at serial No. 2 of the list of documents supplied to him being illegible and keeping in view the standard of proof required at a domestic inquiry, learned counsel for the petitioner states that the petitioner is not interested to pursue the petition on merits but would request to the Court that directions may be issued to the Competent Authority to consider on merits the application which the petitioner would be filing within two weeks from today claiming compassionate allowance; which we note would be an amount not exceeding 2/3rd of the compensation pension. We note Rule 39 of the CCS Pension Rules deals with the subject of compensation pension and Rule 41 deals with the subject of compassionate allowance. We further note that compensation pension has no concern with pensionable service and is payable on discharge of a Government servant resulting from abolition of the permanent post and is payable with reference to the period of service which has been rendered.

2. Accordingly, we dispose of the writ petition directing the Competent Authority of CISF to consider petitioner's application seeking compassionate allowance

which is payable even to a Government servant who is dismissed or removed from service but if the petitioner is able to make out a case deserving special consideration; which obviously would be the pecuniary distressed situation of the petitioner.

3. We would advise the petitioner that in the representation which he would be making, he would draw the attention to his pecuniary situation. The petitioner, who is present in person states that he owns and possesses only 1.5 bigha of agricultural land and has three children and a wife to support apart from an aged mother who receives old age pension from the Government of Haryana which is about Rs. 600/- per month.

4. We would commend to the Competent Authority of CISF to consider with compassion the said application which the petitioner would be filing claiming compassionate allowance.

5. The petitioner who is present in person has been explained the order by his counsel and it has been made known to him that the request seeking compassionate allowance should be submitted to the Director General (CISF), CISF Headquarters, 13 CGO Complex, New Delhi-110003, within six weeks.

6. Petition stands disposed of. No costs.