

**(2018) 09 CAT CK 0023**

**In the Central Administrative Tribunal**

**Case No : Original Application No. 3100 Of 2018**

Bimla Devi

APPELLANT

Vs

Govt. Of NCTD And Ors

RESPONDENT

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**Date of Decision : 27-09-2018**

**Acts Referred:**

Delhi Police (Appointment & Recruitment) Rules, 1980 — Rule 30

**Citation : (2018) 09 CAT CK 0023**

**Hon'ble Judges : Pradeep Kumar, Member (A)**

**Bench : Single Bench**

**Advocate : Sachin Chauhan**

**Final Decision : Disposed Of**

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## **Judgement**

1. It is brought out that applicant is the widow of Late Shri Narender Singh, who was appointed as Sub-Inspector (Executive) in Delhi Police in the year 2008 and, unfortunately, while he was still in service, expired on 24.04.2013. The applicant moved an application for appointment on compassionate ground as her family conditions are dire and she also has a young son to be supported.

2. The Police Establishment Board found her claim to justified for appointment on compassionate ground in their meeting held on 03.10.2017. However, it is seen from a letter written on 03.11.2017 by Deputy Commissioner of Police, whereby her case for appointment on compassionate ground was rejected due to short in height, as laid down in standing order no.39/2010. It is also seen from a letter dated 19.07.2018, written by Deputy Secretary (Home-1) that the petitioner's request dated 28.12.2017, for her appointment on compassionate ground which was received through Special Secretary to Lt. Governor, Delhi vide U.O. No. F47(1)/RN/2017/150/A968 dated 13.02.2018, was placed before the Hon'ble Lt.Governor, Delhi under rule 30 of the Delhi Police (Appointment & Recruitment) Rules, 1980 but was not acceded.

3. The applicant brought out that rule 30 of the Delhi Police (Appointment &

Recruitment) Rules, 1989 provides as under:-

"30. Power to relax:- When the Administrator is of the opinion that it is necessary or expedient so to do, he may, by order, for reasons to be recorded in writing, relax any of the provisions of these Rules with respect to any class, category of persons or posts or in the individual case."

Further, the standing order no. 39/2010 also provides the following :-

"V) Power of CP, Delhi/ L.G., Delhi

a) As per Delhi Police (Appointment & Recruitment) rule 1980 No.5 (d) notwithstanding the above rules, the Commissioner of Police shall be the competent authority to appoint in relaxation of the procedure of recruitment through the Employment Exchange and without subjecting to competitive test, the sons/daughters of Delhi Police personnel who die in harness leaving their families in immediate need of assistance in terms of the instructions issued by the Govt. of India, MHA regarding such compassionate appointment.

b) As per Delhi Police (Appointment & Recruitment) 1980 No. 30 under head "Power to Relax" when the administrator is of the opinion that it is necessary or expedient so to do, he may, by order, for reasons to be recorded in writing, relax any of the provisions of these Rules with respect to any category, of persons or posts or in an individual case."

4. Relying upon the above rules as well as on directions given by Tribunal to the respondents in a similar case (OA No.2443/2015 decided on 20.12.2016) "to appoint the applicant against the post of Constable (Exe) within 60 days from the date of receipt of a certified copy of this order", the applicant herein also pleads that in deserving circumstances the relevant authority is already vested with powers to grant relaxations (para 2 supra). She applied for the post of Head Constable (Exe) Ministerial, wherein it is pleaded that height that may not be of much relevance. Hence, respondents can consider certain relaxation in her case and grant compassionate ground appointment.

5. Matter has been heard at length. The present OA is, accordingly, disposed off at the admission stage itself, without going into the merits of the case, with a direction to the respondents to pass a reasoned and speaking order within a period of eight weeks from the date of receipt of a certified copy of this order, considering the applicability or otherwise of the two Rules wherein relaxation is permitted (para 2 supra) and the ratio of judgment in OA No. 2443/2015 (para 3.0 supra). No orders as to costs.