
(2018) 09 CAT CK 0096

In the Central Administrative Tribunal

Case No : Original Application No. 634 Of 2016

Gurjeet Singh

APPELLANT

Vs

Commissioner Of Police And Ors

RESPONDENT

Date of Decision : 18-09-2018

Acts Referred:

Indian Penal Code, 1860 — Section 34, 302, 364A

Citation : (2018) 09 CAT CK 0096

Hon'ble Judges : Nita Chowdhury, Member (A)

Bench : Single Bench

Advocate : Randhir Singh Kalkal, Harvinder Oberoi

Final Decision : Dismissed

Judgement

1. By filing the instant OA, the applicant sought the following reliefs:-

"(a) quash the impugned orders/letters dated 18.11.2015 (Annexure A-1)

(b) direct the respondent to reconsider the applicant for the post of Constable (Driver) in Delhi Police on compassionate grounds being the son of the employee of the department whose father has been expired while in service.

(c) issue such further appropriate order/direction as this Hon"ble Tribunal may be deem fit and proper in facts and circumstances of the case."

2. Brief facts of the case, as set out by the respondents in their counter affidavit filed pursuant to notice issued to them, are that SI Randhir Singh, No.D/597 had expired on 16.4.2010 due to illness. His name was stuck off from the roll of Delhi Police w.e.f. 17.4.2010. Smt. Santosh Devi w/o late SI Randhir Singh submitted an applicant in this office on 10.5.2010 stating therein that her elder son Gurjeet Singh will appear in matriculation examination in December. She has no source of income and therefore requested that the applicant (her son) may be given job in Delhi Police.

2.1 As per SO No.39/2010, the minimum education qualification for Const. (Exe.)

on compassionate ground is 11th Standard. Moreover, as per UO No.22549-99/AC-CG/P.Br./PHQ dated 3.11.2010, it was intimated to all Distts./Units in Delhi Police that as per latest sanction/instruction received from MHA/GOI it has been decided that in future no appointment be made in Group "D" and intake of staff be through outsourcing only and cases for compassionate ground appointment for Group "D" post may not be forwarded to PHQ and the applicant be informed accordingly. As such, Smt. Sanotsh w/o late SI Randhir Singh was informed accordingly vide letter datd 30.11.2010. On 17.4.2014, Smt. Santhosh w/o late SI Randhir Singh submitted another application for appointment of her son Gurjeet Singh (applicant) as Const. (Driver) in Delhi Police on compassionate ground.

2.2 On receipt of said application, physical measurement of applicant was got done vide Memo dated 4.6.2014 and genuineness of his driving license was got verified from Distt. Transport Office, Phek, Nagaland vide letter dated 4.6.2014.

2.3 On completion of codal formalities, i.e., Physical measurement of the candidate, the property verification report was obtained from special Branch Delhi Police which was received in the respondents" Hqrs. on 12.9.2014. It was revealed the applicant - Gurjeet Singh was involved in case FIR No.120/01 u/s 365/203/404/34 IPC P.S. Murthal, Sonapat, Haryana and he was on bail. As such, it was decided by the respondents that the compassionate ground appointment case will be decided after finalization of the criminal case pending against the applicant. Accordingly, the mother of the applicant was also informed vide letter dated 22.9.2014.

2.4 On 12.1.2015, the applicant submitted an application along with the copy of judgment of Hon"ble High Court dated 9.5.2008 and CJM Sonapat dated 16.9.2008 stating therein that he was convicted by the ASJ Sonapat under Section 364-A/302/34 IPC on 17.7.2004 and sentenced for life imprisonment. He filed an appeal which was disposed off by the Hon"ble Punjab and Haryana High Court on 9.5.2008 and he was considered as juvenile and ordered to be released from jail because he had undergone more than the maximum period of sentence which was prescribed in Juvenile Act. However, the Hon"ble High Court of Punjab and Haryana, Chandigarh has also upheld the conviction of the applicant in above case and only set aside the order on sentence.

2.5 The complete case was received by the respondents" Headquarters on 20.2.2015 which was considered by the Police Establishment Board in its meeting held on 19.10.2015 and the same could not be approved as the candidate was found over-aged and having inadequate education. The case was also found less deserving to the similarly placed other cases. As per SO No.39/10, maximum age required for the post of Const. (Driver) in Delhi Police (for general category candidate) is 30 years and minimum education qualification is 11th standard, whereas applicant had already completed the age of 30 years and 3 months (being date of birth 05.10.1984) as on 1.1.2015, i.e., cut off date for fixing the age of candidate and studied only upto 10th standard. While considering such

cases, the Police Establishment Board follows the DOP&T instructions and Standing Order No.39/2014 and also keeps in mind financial condition of the deceased family and other relevant factor such as the presence of earning members, size of family, age of deceased at the time of death, age of the children and essential needs of the family as well as instructions of the Govt. of India on the subject and the judgment of the Hon"ble Supreme Court of India dated 4.5.1994 in the case of Shri Umesh Kumar Nagpal vs. State of Haryana and others. In the instant case, younger son of the deceased is serving in Delhi Police. As such his case could not be approved by the Police Establishment Board being overaged, inadequately educated and less deserving.

2.6 The applicant being aggrieved by the Order dated 18.11.2015 has filed the instant OA seeking the reliefs as quoted above.

3. During the course of arguments, learned counsel for the applicant reiterated the grounds as mentioned in the OA. However, having regard to the facts and circumstances as stated by the respondents in this case, as noted above, this Court is not inclined to interfere in this matter. Accordingly, this Court after perusing the pleadings on records does not find any illegality in the impugned order and accordingly, the instant OA being devoid of merit is dismissed. There shall be no order as to costs.