
(1998) 05 DEL CK 0002
In the Delhi High Court
Case No : CW.No.1000 of 1996

Raj Kumar

APPELLANT

Vs

Municipal Corporation of Delhi

RESPONDENT

Date of Decision : 14-05-1998

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1998) 5 AD 996 : (1998) 73 DLT 601 : (1998) 45 DRJ 528

Hon'ble Judges : K. Ramamoorthy, J

Bench : Single Bench

Advocate : Roshan Ara Road, Delhi Mr. R.K. Saini, for the Appellant; B.N. Dhar, for the Respondent

Judgement

K. Ramamoorthy, J.—The petitioner has sought the quashing of the letter dated the 9th of November, 1995 by which the request for compassionate appointment was rejected by the MCD. According to the petitioner, his father, who was working in the Horticulture Department of MCD, died while in service on the 18th of January, 1993. On the 21st of June, 1993, the petitioner applied for suitable job on compassionate grounds. On the 15th of December, 1995, the petitioner received a letter dated the 9th of November, 1995 from the Administrative Officer, MCD rejecting his application. The impugned letter reads as under:-

"You have been hereby informed that regarding your application for job on compassionate ground was duly considered by the competent authorities. But your appointment on compassionate ground does not come within purview of scheduled policy. Therefore, your application has been rejected accordingly."

2. In paragraph 3 of the preliminary objections of the counter-affidavit, it is stated:-

"That after submission of an application form for appointment on compassionate grounds by the petitioner in place of his deceased father, Shri Hari Chand, the matter was examined and processed by the respondents 1 & 2. At the time of

conducting the socioeconomic survey of the deceased's family by the Labour Welfare Department of the answering respondent-MCD, it was found that the petitioner has not given the full information in as much as relating to the employment of his elder brothers, Sh.Puran Chand, Sh.Sohan Lal and Sh.Chunni Lal. It is stated that the elder brother of the petitioner i.e. Sh.Puran Chand is employed in MCD as Chowkidar, Sh.Sohan Lal is earning handsome amount by way of rendering his services in the private organisation and Sh.Chunni Lal, 3rd son of the deceased employee is also earning hand rendering his services as a labourer. After taking into consideration such factors the matter was placed before the Competent Authority and on account of the deceased employee i.e. Shri Hari Chand, Chowkidar being survived by his wife and 4 sons, since three sons of the deceased employee are earning hand including the one Sh.Puran working as Chowkidar in MCD, the competent authority ordered that the case of the petitioner for appointment on compassionate grounds does not appear to be fit for appoint- ment in view of the policy adopted by the MCD as per annexure P-1 appended with the petition and in view of the controversy decided by the Hon"ble Division Bench of the Hon"ble High Court of Delhi comprising of Hon"ble Justice Mr.R.N.Aggarwal, Judge and his companion Justice Mr. Jagdish Chandra vide order dated July 10, 1987 in CWP No. 1972/87 titled Sh. Khevinder Kumar Vs. MCD. The operative part of the order is reproduced herein below as:-

"CW.1972/87

The father of the petitioner late Shri Duli Chand had died at the age of 54. The petitioner is aged 24 and is studying. The petitioner has two elder brothers and both of them are in service. The petitioner was informed by the Administrative Officer that his case is not covered by the policy laid down by the Government for grant of employment on compassionate grounds.

We see no merit. Dismissed."

Sd/-

R.N.AGGARWAL

JUDGE

Sd/-

JAGDISH CHANDRA

JUDGE

July 10, 1987."

In view of the aforesaid judicial pronouncement, the writ petition filed by the petitioner is devoid of any force and has got no merits. The writ petition is itself liable to be dismissed and be dismissed."

3. It is also stated that the family of the deceased had been paid terminal benefits to the tune of Rs.29,910/- as gratuity, Rs.27,349/- as GPF, Rs.10,000/-

as GIS and Rs.19,750/- as DLI and family pension Rs.498/- + DA as admissible from time to time. The fact that one of the sons of the deceased is in service of MCD is admitted.

4. Mr. Saini, learned counsel for the petitioner, submitted that the widow of the deceased is depending upon the petitioner who is the youngest son and the other two sons are married and had gone out of the family and, Therefore, the petitioner's case has to be considered in that context.

5. The MCD has to follow the scheme framed for this purpose and the case of the petitioner does not come within the purview of the scheme and, Therefore, the petitioner cannot claim appointment on compassionate ground. The rejection by the MCD, in my view, is in accordance with law and the petitioner has not made out any case for appointment on compassionate grounds. Accordingly, the writ petition is dismissed.

6. There shall be no orders as to costs.