
(2023) 05 DEL CK 0469

In the Delhi High Court

Case No : Civil Writ Petition No. 452 Of 2019

Sant Ram

APPELLANT

Vs

Commissioner Of Police And Anr.

RESPONDENT

Date of Decision : 26-05-2023

Acts Referred:

Central Civil Services (Pension) Rules, 1972 — Rule 14

Citation : (2023) 05 DEL CK 0469

Hon'ble Judges : V. Kameswar Rao, J;Anoop Kumar Mendiratta, J

Bench : Division Bench

Advocate : K. Venkataraman, Avinash, Avnish Ahlawat, Tania Ahlawat, Nitesh Kumar Singh, Palak Rohmetra, Laavanya Kaushik, Aliza Alam

Final Decision : Dismissed

Judgement

V. Kameswar Rao, J

1. This petition challenges the order dated October 16, 2018 of the Central Administrative Tribunal in the Original Application being OA 4410/2017 whereby the Tribunal has dismissed the OA filed by the petitioner herein by stating in paragraphs 13 and 14 as under:

"13. The applicant was working in the Police Department where maintenance of discipline is of paramount importance. In the instant case, the applicant has not mended his ways despite a major punishment imposed in 2003 and thereafter again he became unauthorisedly absent in 2008 which led to his dismissal in 2011.

14. It is the view of the Tribunal that appropriate consideration had already been extended in the case of applicant and the pleas of applicant do not sustain and present OA needs to be dismissed being devoid of merit."

2. The claim of the petitioner before the Tribunal was for grant of compassionate allowance under Rule 14 of the CCS Pension Rules, 1972.

3. The petitioner, who was working as a Head Constable and had put in 29 years of service, was dismissed from service on April 27, 2011 on account of unauthorized absence for 233 days in four spells coupled with other instances of absence from October 2, 2007 to September 11, 2008. He filed an appeal against this punishment and the same was rejected by the appellate authority on January 6, 2012. He approached the Tribunal vide the Original Application being OA 1789/2012 against the punishment of dismissal. The OA was dismissed on July 28, 2016. Thereafter he made a representation in terms of Rule 41 of the CCS Pension Rules, 1972, for compassionate allowance. The said representation was rejected by the authorities on April 27, 2017.

4. The submission of Mr. Venkataraman, learned counsel appearing for the petitioner is even if not 2/3rd, this Court may consider granting 1/3rd of his salary as compassionate allowance. He submits that it is a case where the petitioner remained absent for medical reasons and a compassionate view be taken thereof.

5. Mr. Nitesh Kumar Singh, learned counsel appearing for the respondents has filed before us a chart showing the period of unauthorized absence of the petitioner since the year 1982. The said chart is reproduced as under:

6. From the perusal of the chart, it is clear that the unauthorized absence for which the petitioner was proceeded against and dismissed from service was not a solitary absence. In fact, we find that penalties have been imposed on the petitioner on three different occasions in the past.

7. Considering the totality of the circumstances, this Court is of the view the Tribunal is justified in dismissing the OA.

8. The petition is dismissed.