

GOVERNMENT OF N.C.T. OF DELHI
COMPASSIONATE BRANCH, SERVICES DEPARTMENT (II)
DELHI SECRETARIAT: 5TH LEVEL: A-WING: I.P. ESTATE: NEW DELHI

(<http://services.delhigovt.nic.in>)

No.F.16 (109)/2007/S.II/317-32)

Dated: 12-03-2026

SPEAKING ORDER

Whereas, the Hon'ble Tribunal vide order dated 27.01.2026 disposed of OA No. 289/2026 alongwith M.A No. 5543/2025 at the admission stage itself with the following directions:

".....In view of the above and without going into the merits of the case, we dispose of the present O.A. with a direction to the respondents, while leaving all the legal points open, to consider and dispose of the applicant's pending representation dated 19.04.2024 by way of a reasoned and speaking order within a period of four weeks from the date of receipt of a certified copy of this order. Pending M.A. stands disposed of accordingly."

2. Whereas, the case of Sh. Ashok Kumar S/o late Sh. Nepal Singh (**expired on 06-08-2006**), Ex- Chowkidar of Lok Nayak Hospital, Govt. of NCT of Delhi, after being recommended by the HOD, completed in all respect, was received in this department, on 15/10/2007. The case was placed before the Screening Committee held on 11-17/06/2008, for the first time and the committee could not recommend his name for appointment on compassionate grounds. The decision of the committee had been conveyed to the applicant vide this department letter dated 07/07/2008.

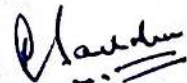
3. And whereas, the case was again placed before the Screening Committee in its meetings held on 03/09/2009 and again the committee could not recommend his case. The outcome of the meetings had been conveyed to the applicant on 30/09/2009.

4. And whereas, Sh. Ashok Kumar S/o Late Sh. Nepal Singh preferred an OA (No. 350/2010) before the Hon'ble Tribunal, the same was disposed of by an order dated 05.03.2010 with the directions ".....Let the respondent inform the applicant of the decision of the next screening Committee by a speaking order within a period of four weeks after it has met. No cost."

5. And whereas, the case was again placed before the Screening Committee in its meetings held on 20/10/2010 and 09/12/2010 for the third time and again the committee could not recommend his case. The outcome of the meetings had been conveyed to the applicant on 27/01/2011.

6. And whereas, in the light of directions of the Hon'ble Tribunal referred to above in Para 3, a speaking order was issued on 11/02/2011.

7. And whereas, as per Govt. of India O.M. dated 05.05.2003, maximum time a person's name can be kept under consideration for offering



Compassionate Appointment will be three years and after three years, if compassionate appointment is not possible to be offered to the Applicant, his case will be finally closed and will not be considered again. The case of Sh. Ashok Kumar had already been placed, three times before the Screening Committee in this meeting held on 11-17/06/2008, 03/09/2009 & 20/10/2010 and 09/12/2010 and could not be recommended.

8. And whereas, Sh. Ashok Kumar S/o Late Sh. Nepal Singh preferred another OA (No.1599/2011) against the aforesaid speaking orders. The Hon'ble Tribunal vide order dated 20/10/2011 dismissed the same. The RA (No. 405/2011 in OA No. 1599/2011) preferred by the applicant was also dismissed by the Hon'ble Tribunal vide order dated 16/12/2011.

9. And whereas, the DOPT has withdrawn instructions conveyed vide OM dated 05/05/2003, thereby providing for consideration of cases in light of OM dated 25/07/12.

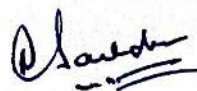
10. And whereas, Sh. ASHOK KUMAR S/O LATE SH. NEPAL SINGH, preferred a petition (CWP No. 7754/2012) before the Hon'ble High Court of Delhi against the orders of Hon'ble Tribunal in OA no. 1599/2011 and RA No. 405/2011.

11. And whereas, the Hon'ble High Court, vide its order dated 14/12/12, directed "....therefore his case ought to have been considered under the said OM of 26/07/2012 read with OM dated 09/10/98 which would mean that his case could have been considered even beyond the period of three years and definitely between the period of five to six years. Consequently, we set aside the impugned order and direct the respondent to consider the case of petitioner for compassionate appointment in term of the OM dated 09/10/98 as amended from time to time but, by disregarding the OM dated 05/05/03. The said consideration be concluded within eight weeks. The order be communicated to the petitioner immediately thereafter...."

12. And whereas, in the light of directions of Hon'ble High Court stated hereinabove, the case of Sh. Ashok Kumar S/o Late Sh. Nepal Singh was considered by the Screening Committee constituted for the purpose of Compassionate Appointment in its meeting held on 07-21/05/2013 and directed that present status of the applicant be ascertained from the department concerned.

13. And whereas, information received in the case of Sh. Ashok Kumar S/o Late Sh. Nepal Singh, was considered by the Screening Committee constituted for the purpose of Compassionate Appointment, in its meeting held on 18-19/09/2013.

14. And whereas; the Screening Committee considers the cases for appointment on compassionate grounds in the light of the scheme for Compassionate Appointment issued by Govt. of India vide DOPT OM No.F.14014/6/94-Estt (D) dated 9.10.1998 and the criteria adopted by Govt. of N.C.T. of Delhi for appointment on compassionate grounds.



15. And whereas; the first priority would be for families, which are living in extremely indigent circumstances and having all children who are less than 12 years of age and no other source of livelihood, e.g. rent, ownership of house, land etc. and next consideration can be given to cases where the family is living in extremely Indigent circumstances and has minor children less than 18 years of age and no other source of employment.

16. And whereas; the Govt. of India, Ministry of Personal, Public Grievances and Pensions, Department of Personnel and Training vide its Office Memorandum No. F.No.14014/23/99-Estt.(D) dated 3/12/1999 has clarified, citing the ruling of the Hon'ble Supreme Court, that the appointment on Compassionate ground should take into account the position regarding availability of vacancy for such appointment and it should recommend appointment on compassionate grounds **only in a really deserving case and only if vacancy meant for appointment on compassionate grounds will be available within a year**, that too within the ceiling of 5% of direct recruitment quota in any Group 'C' and 'D' post, prescribed in this regard.

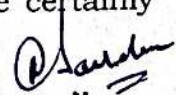
17. And whereas; all the cases of compassionate appointments are considered strictly in accordance with the aforesaid guidelines and instruction of the Govt. of India, by the screening committee constituted for this purpose by the Govt. of N.C.T of Delhi.

18. And whereas; the status of the dependents of the deceased employee, indigent condition, financial benefits and restriction of availability of 5% vacancies from direct recruitment quota in a financial year are the basic considerations which are invariably being examined in each and every case of compassionate appointment.

19. And whereas; the DOPT OM dated 26/07/2012 states that "...the onus of examining the penurious condition of the dependent family will rest with the authority making compassionate appointment..." Further, vide OM No. 14014/02/2012-Estt.(D) dated 30/05/2013 it has been clarified that cases which has been closed should not merely be opened because the time limit has been waived off.

20. And whereas; the Screening Committee constituted for the purpose of compassionate appointment, in its meeting held on 18-19/09/2013, considered the complete facts of the case and observed that Sh. Ashok Kumar S/o Late Sh. Nepal Singh is a divorcee. Mother of the applicant is the only liability. The family is in receipt of Rs. 3, 43, 792/- as terminal benefits and Pension of Rs. 3510/- (+DR) (PM). The case has already been considered thrice by the Screening Committee and did not recommend the same.

21. And whereas; the Committee after due consideration of the complete facts and observed that only really deserving applicants whose conditions are extremely pathetic are given the priority, e.g. young widows and those with very small kids and who do not own any residential house certainly



deserves greater consideration in view of the acute shortage of the vacancies as compared to family where there are adult male members who are on the threshold of being able to self employed.

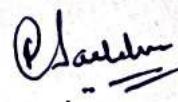
22. And whereas; after considering the directions of Hon'ble High Court, Scheme For Compassionate Appointment, DOPT Govt. of India OM dated 16/01/2013, 30/05/2013, and in view of facts mentioned in the preceding para and on the basis of terminal benefits/liabilities/pension being received by the family of the deceased government servant the committee found the case to be devoid of merit for recommendation for appointment on compassionate grounds.

23. And whereas; in the light of the directions of Hon'ble High Court of Delhi, dated 14th December, 2012, in WP (C) No. 7754/2012 titled as Sh. Ashok Kumar S/o late Sh. Nepal Singh Vs. Govt. of NCT of Delhi & Ors, a speaking order was issued on 28-10-2013.

24. And whereas, as per the O.M. dated 21.03.2023 and the "Master Policy" framed by the Services Department pursuant to the approval of the Hon'ble Lt. Governor in the year 2023, the request of an applicant for compassionate appointment can be considered/reconsidered only up to three times. It is observed that the case of the applicant has already been considered more than the permissible number of times as stipulated under the applicable policy.

25. And whereas, application dated 19-04-2024 submitted by the applicant in 2024, i.e., after a lapse of about 11 years from the last consideration. The consolidated instructions issued by the Department of Personnel & Training (DoPT) vide O.M. No. 14014/02/2012-Estt.(D) dated 16.01.2013 and further consolidated O.M. 02-08-2022 clearly says that compassionate appointment is intended to provide immediate financial relief to the family of a Government servant who dies in harness or is retired on medical grounds, leaving the family in indigent circumstances. The scheme is not a matter of right and cannot be claimed after a long lapse of time.

26. And whereas, as per the consolidated instructions issued by the Department of Personnel & Training (DoPT) vide O.M. No. 14014/02/2022-Estt.(D) dated 02-08-2022 under heading "Belated Requests for Compassionate Appointment" - which stipulates that "Ministries/Departments can consider requests for compassionate appointment even where the death or retirement on medical grounds of a Government Servant took place long back, say five years or so. While considering such belated requests it should, however, be kept in view that the concept of compassionate appointment is largely related to the need for immediate assistance to the family of the government servant in order to relieve it from economic distress. The very fact that the family has been able to manage somehow all these years should normally be taken as adequate proof that the family had some dependable means of subsistence.

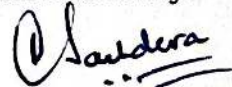


27. And whereas, the Hon'ble Supreme Court in its judgment dated 05-04-2011 in Civil Appeal No. 2206 of 2006 filed by Local Administration Department vs. M. Selvanayagam @ Kumaravelu has observed that "an appointment made many years after the death of the employee or without due consideration of the financial resources available to his/her dependents and the financial deprivation caused to the dependents as a result of his death, simply because the claimant happened to be one of the dependents of the deceased employee would be directly in conflict with Articles 14 & 16 of the Constitution and hence, quite bad and illegal, In dealing with cases of compassionate appointment, it is imperative to keep this vital aspect in mind".

28. And whereas, in the present case, the re-submission of the application in 2024, after about 11 years from the last consideration and more than a decade from the initial cause, clearly **falls under the category of a belated claim**. The long lapse of time indicates that the family has managed its affairs during the intervening period. As per the settled position of law and DoPT guidelines, such belated claims are not admissible.

29. Now, therefore, in view of the above facts and the prevailing policy guidelines, the representation dated 19.04.2024 submitted by Sh. Ashok Kumar S/o Late Sh. Nepal Singh cannot be acceded to and is accordingly rejected.

30. This issues with the prior approval of the Competent Authority.



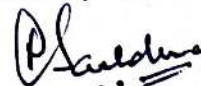
(RAJESH SACHDEVA)
DEPUTY SECRETARY (SERVICES)

No. F.16 (109)/2007/S.II/4164 317-319

Dated: 12-03-2026

Copy forwarded for information and necessary action to :-

- (1) The Registrar, Central Administrative Tribunal, 61/35 Copernicus Marg, New Delhi. This has reference to OA No. 289/2026 and M.A No. 5543/2025 titled Sh. Ashok Kumar Vs Govt. of NCT of Delhi.
- (2) The Medical Superintendent, Lok Nayak Hospital, JLN Marg, New Delhi
- (3) Sh. Ashok Kumar S/o Lt. Sh. Nepal Singh, R/o H No. 313, Gall No.3, New Multan Nagar, Bhola Road, Meerut, Uttar Pradesh.
- (4) Section Officer (Co-Ordination) Branch with the request to make arrange to upload in above letter in website of Services Department.
- (5) PA to Deputy Secretary (Services), Services Department, GNCTD, Delhi Secretariat, I.P.Estate, New Delhi.



(RAJESH SACHDEVA)
DEPUTY SECRETARY (SERVICES)