



2025:DHC:147-DB



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 12.12.2024
Pronounced on: 14.01.2025

+ W.P.(C) 7730/2012

SUNIL KUMAR SINGH

.....Petitioner

Through: Mr. Nazim Uddin Ahmed and
Mr. A.K. Yadav, Advs. with
petitioner in person.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Ms. Pratima N. Lakra, CGSC
with Mr. Chandan Prajapati,
Adv. for UOI.
Mr. Sourabh Bhushan, Legal
Officer, CRPF.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

J U D G M E N T

SHALINDER KAUR, J.

1. The petitioner, who was serving as a Pay Clerk in the 103rd Battalion (“Bn”) of the Rapid Action Force (“RAF”), Central Reserve Police Force (“CRPF”) at the time of his dismissal from Service, has approached this Court under Article 226 of the Constitution of India, seeking the following reliefs:

“(A) Issue a Writ of Certiorari for quashing the Order dated 22.12.2009 passed by Respondent No.4, Order dated 09.06.2010 passed by Respondent No.3, Order dated



4.8.2011 passed by Respondent No.2, and Order dated 2.12.2011 passed by Respondent No.5;

(B) Issue a writ of mandamus directing the Respondents to reinstate the Petitioner with all consequential benefit or compulsory retirement or granted compassionate allowance in accordance with the true spirit of Rule 41 of the CCS(Pension) Rules.

(C) Pass any other appropriate order / direction which this Hon'ble Court deem fit and proper.”

2. The brief factual matrix, as stated in the petition, is that the petitioner was enrolled as an Assistant Sub-Inspector (Ministerial) (“ASI-M”) in the CRPF on 27.08.1994 and served at various stations across the Country. In October, 2004, the petitioner was appointed as a Pay Clerk in the 103rd Bn, RAF, CRPF. While serving in the said post, the petitioner was suspended from 01.02.2006 to 01.05.2006, and a Departmental Inquiry was conducted against him on the basis of the Charge-Sheet dated 12.02.2006. However, *vide* the Order dated 30.09.2008, the petitioner was exonerated of the Charges against him.

3. Thereafter, pursuant to the Memorandum dated 24.04.2009, the petitioner was served with another Charge-Sheet, wherein, he was informed that a Departmental Inquiry was proposed to be held against him on the following six Charges:-

“ITEM/CHARGE ONE

That the Force ASI(M) Sunil Kumar Singh of 103 Bn while working as ASI(M) in Rapid Action Force/CRPF committed the serious negligence in his behaviour while performing his duty under Section 11(1) of the CRPF Act 1949, in which he himself while working in 103 Bn in Rapid Action Force drawn the house rent allowance by the name of force No.



791160589 Insp/GD Darshan Singh vide Bill No. 555/06-07-103 (Credit order No. 1566/06-07-103) against which himself drawn Rs. 15460/- and received the said amount from the office through disbursing register on dated 14.10.06 and which entries was neither made in his own Govt. Muster Roll account nor in the Govt. Muster Roll account of Insp/GD Darshan Singh, which is against the discipline and good conduct of the force and same is punishable.

ITEM / CHARGE TWO

That the force No. 941680111 of 103 Bn ASI(M) Sunil Kumar Singh being a member of force has committed the offence of violation of the orders of the force and by committing misconduct on his duty under Section 11(1) of the CRPF Act 1949 and he while doing work as pay clerk in 103 Bn Rapid Action Force in the Govt. Muster Roll Account of year 2007-08 ahead of his name tampered in the CHGS column by using correcting fluid and this act of employee is shows his illegal and in disciplinary action which is an offence against the orders and discipline of the force.

ITEM / CHARGE 3

Force No. 941680111 of 103 Bn ASI(M) Sunil Kumar Singh of 103 Bn/Rapid Action force being a member of the force has violated the orders of the force and committed misconduct while performing his duty under Section 11(1) of the CRPF Act 1949 whereby he while working as pay clerk in 103 Bn RAF himself shown the particulars of the recovery of Rs. 740/- in the recovery column of Govt. Muster Roll Account during the month of 12/2004 by the name of himself but actually the recovery was not made from the salary of Force No. 941680111 of 103 Bn ASI(M) Sunil Kumar Singh. This act of employee shows committing of forgery and indiscipline of the employee which is a serious offence against the orders and discipline of the force.

ITEM / CHARGE 4

Force No. 941680111 of 103 Bn ASI(M) Sunil



Kumar Singh Bn 103 Rapid Action Force being a member of the force has committed the violation of the orders of the force has committed the violation of the force and misconduct while performing his duty whereby he while working as pa.y clerk shown the details of recovery of Rs. 397/- in the Govt. Muster Roll Account of month 1/07 but actually this amount was not recovered from the salary of force No. 941680111 of 103 Bn ASI(M) Sunil Kumar Singh and the acts of said force shows the forgery in the Govt. Amount and indiscipline which is an serious offence against the orders and discipline of the force.

ITEM/ CHARGE 5

Force No. 94168011L of 103 Bn ASI(M) Sunil Kumar Singh of 103 Bn Rapid Action Force being a member of the force has violated the orders of the force and committed misconduct while performing his duty under Section 11(1) of the CRPF Act 1049 whereby he while working as pay clerk in 103 Bn RAF himself shown the particulars of the recovery of Rs. 70/- in the recovery column of Govt. Muster Roll Account during the month from 3 / 06 to 2/ 07 in the column of CGHS account of the Govt. Muster Roll Account by the name of himiself but actually the recovery was not made from the salary of force No. 941680111 of 103 Bn ASI(M) Sunil Kumar Singh. This act of employee shows committing of forgery and in-disciplinary of the employee which is a serious offence against the orders and discipline of the force.

ITEM / CHARGE 6

Force No. 941680111 of 103 Bn ASI(M) Sunil Kumar Singh of 103/Bn Rapid Action Force being in the capacity of member of the force has committed the offence by violating the orders of the force and committing misconduct while performing his duty under Section 11(1) of the CRPF Act 1949 and he was on suspension period in other matter from dated 01.02.2006 to 01.05.2006 and the departmental inquiry was pending in the said



matter and prior to passing of final decision in the department inquiry he drawn the amount of his arrear of Rs. 6,898/- and not made the entries of the drawn amount in the concerned Govt. Muster Roll Account. After passing the final order in the departmental inquiry he again submitted an application addressed to the Comdt. 103 for drawing the amount of the aforesaid period on dated 24.12.2008. This act of the employee is shows the forgeiy committing in the Govt. amount and serious indiscipline which is a serious offence committed against the orders and discipline of the force.”

4. In the said Departmental Inquiry, the petitioner did not produce any witness in his defence, but explained to the Inquiry Officer his personal family problems, which lead to some minor lapses in the accounts maintained by him. The Inquiry Officer, *vide* his report dated 13.10.2009, held all the Charges framed against the petitioner to be true and on the basis of this Inquiry Report, the petitioner was dismissed from Service *vide* the Order dated 22.12.2009, passed by the respondent no.4.

5. Being aggrieved, the petitioner preferred a Statutory Appeal and a Revision Petition, both of which were rejected *vide* the Orders dated 09.06.2010 and 04.08.2011, passed by the respondent no. 3 and the respondent no. 2, respectively. The petitioner, then submitted an application dated 11.11.2011 to the respondent no.2, seeking a grant of Compassionate Allowance under Rule 41(1)(2) of the Central Civil Service (Pension) Rules, 1972 (“the Rules”).

6. The petitioner’s request for Compassionate Allowance was rejected by the respondent no. 5 *vide* the Order dated 02.12.2011,



holding that the petitioner was dismissed on the ground of embezzlement of Government funds and therefore, would not be entitled to Compassionate Allowance under Rule 41 of the Rules.

7. The action of the respondent no. 5 in rejecting the petitioner's claim for Compassionate Allowance has compelled the petitioner to approach this Court under its Writ jurisdiction.

Submissions on behalf of the Petitioner:

8. The learned counsel for the petitioner submitted that the petitioner suffered from severe depression because of his illegal suspension based on false Charges and the first Departmental Inquiry conducted against him. The treatment of his wife for infertility added to his problems, and thus, due to mental tension and the pressure of work, he might have committed minor mistakes in accounting. However, there was no intentional act or financial irregularity on his part.

9. He submitted that the Inquiry Officer as well as the Appellate and the Revisional Authority, failed to consider the said facts and without taking into account the petitioner's long and dedicated service of 15 years, dismissed him from Service, which penalty is disproportionate to the incidents in question.

10. He submitted that petitioner's alleged misconduct for making wrong entries was also reviewed by the Senior Accounts Officer. More so, in the Audit Report, it was noticed that such an inadvertent mistake had been made with respect to many other Force personnel, for which due recoveries were made from them.



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11. He submitted that the Inquiry Officer and the respondents have wrongly come to the conclusion *qua* the Charge Nos. 2 to 5, which state that the petitioner did not make the requisite entries in the Government Muster Roll, whereas perusal of the Government Muster Roll would show that the required entries had been made by him in the Government Muster Roll for the year 2005-06 and 2006-07. Furthermore, Charge No.6, which states that the petitioner, during the period of his suspension from 01.02.2006 to 01.05.2006, had already withdrawn an amount of Rs. 6,898/- and subsequently made another application to withdraw the said amount again, is wholly contrary to the evidence on record as the initial application submitted by the petitioner was only towards subsistence allowance. It is only after the petitioner was acquitted in the first inquiry that he claimed the balance amount *vide* his application dated 24.12.2008.

12. Pertaining to Charge No.1, it is the petitioner's plea that he had correctly prepared the Acquittance Roll in the name of the Inspector/GD Darshan Singh for an amount of Rs.15,460/-. However, due to a mistake made by the Cashier in the Disbursement Register, inadvertently, the petitioner's name was shown. Further, the respondents did not even examine the original Acquittance Roll, which he submitted was evident from the Charge Sheet dated 24.04.2009.

13. The learned counsel further added that, based on the Charges, the petitioner was dismissed from Service, and an FIR was lodged against him on the same Charges by the Department. The petitioner was arrested and thereafter was released on bail. The learned Trial



Court however, discharged him from all the Charges framed against him, holding that there was insufficient material on record to frame the Charges, which indicates that there was no incriminating evidence against the petitioner. Therefore, he should have been exonerated of the charges as framed against him in the Departmental Inquiry as well.

14. The learned counsel submitted that the respondent no. 5 has rejected the petitioner's application for Compassionate Allowance arbitrarily, without appreciating Rule 41 of the Rules.

15. To support his stand, the learned counsel placed reliance on the decisions of the Supreme Court in *State of Jharkhand & Ors. vs Jitendra Kumar Srivastava & Anr.*: (2013) 12 SCC 210; *Major GS Sodhi vs Union of India*: JT 1992 (4) 337; and *D.S Nakara & Ors vs Union of India*: (1983) 1 SCC 305.

Submissions on behalf of the Respondents

16. Conversely, the learned counsel for the respondents sought dismissal of the writ petition and submitted that the petitioner had rightly been dismissed from Service as he had been misappropriating Government funds while working as a Pay Clerk. The Department, therefore, initiated an Inquiry against him. The Inquiry Officer upon recording the evidence, gave a finding that all the six Charges leveled against the petitioner were duly proved.

17. He submitted that the Inquiry was conducted as per the Rules and Regulations, and the petitioner was granted ample opportunities to defend his case, however, he refused to do so. In the Departmental Inquiry, it was established that the petitioner embezzled a large amount of Government funds, and being a member of the Force, such



a grave offence cannot be ignored. Thus, the petitioner was appropriately punished and was dismissed from Service.

18. He submitted that the petitioner, aggrieved by the Order of Dismissal, exercised his right and preferred an Appeal as well as a Revision Petition, which was considered by the Competent Authorities, who upon perusing all the relevant documents, found his pleas to be meritless. Consequently, his Appeal as well as the Revision Petition ended up being rejected.

19. He submitted that the CRPF is one of the esteemed Forces of the Nation, and the misconduct of the petitioner cannot be condoned in any manner. Therefore, the penalty of dismissal of the petitioner from Service does not warrant any interference by this Court. Keeping in view the act of the petitioner of embezzling Government funds, the Competent Authority further refused to grant Compassionate Allowance to the petitioner.

20. To conclude, the learned counsel submitted that Courts should normally refrain from interfering with the disciplinary action, unless a clear violation of the Rules and Regulations, or the principles of natural justice are shown to it, which in the case of petitioner, does not exist.

21. In support of the contentions, reliance was placed on the decisions of the Supreme Court in *Union of India & Ors vs Subrata Nath*: (2022) SCC OnLine SC 1617, *Union of India & Ors vs Constable Sunil Kumar*: (2023) 3 SCC 622 and *Mahinder Dutt Sharma vs Union of India & Ors*: (2014) 11 SCC 684.

Analysis and Conclusion:



22. At the outset, we may note that the High Court, while exercising the Constitutional powers under Article 226, ought not to act as an Appellate Court to the Disciplinary Authority so as to reappraise the evidence adduced on record. Unless it is shown that the findings arrived at by the Disciplinary Authority are patently perverse or are based on no evidence, interference under Article 226 of the Constitution of India is not warranted. In this regard, it would be apposite to refer to the relevant paragraphs in *Subrata Nath* (supra), which read as under:-

“14. The point that arises for our consideration is whether in the given facts of the case, the learned Single Judge and the Division Bench ought to have interfered with the punishment imposed on the respondent by the Disciplinary Authority and upheld by the Appellate Authority as also by the Revisional Authority.

15. It is well settled that courts ought to refrain from interfering with findings of facts recorded in a departmental inquiry except in circumstances where such findings are patently perverse or grossly incompatible with the evidence on record, based on no evidence. However, if principles of natural justice have been violated or the statutory regulations have not been adhered to or there are malafides attributable to the Disciplinary Authority, then the courts can certainly interfere.

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22. To sum up the legal position, being fact finding authorities, both the Disciplinary Authority and the Appellate Authority are vested with the exclusive power to examine the evidence forming part of the inquiry report. On finding the evidence to be adequate and reliable during the departmental inquiry, the Disciplinary Authority has the discretion to impose appropriate punishment on the



delinquent employee keeping in mind the gravity of the misconduct. However, in exercise of powers of judicial review, the High Court or for that matter, the Tribunal cannot ordinarily reappreciate the evidence to arrive at its own conclusion in respect of the penalty imposed unless and until the punishment imposed is so disproportionate to the offence that it would shock the conscience of the High Court/Tribunal or is found to be flawed for other reasons, as enumerated in P. Gunasekaran (supra). If the punishment imposed on the delinquent employee is such that shocks the conscience of the High Court or the Tribunal, then the Disciplinary/Appellate Authority may be called upon to re-consider the penalty imposed. Only in exceptional circumstances, which need to be mentioned, should the High Court/Tribunal decide to impose appropriate punishment by itself, on offering cogent reasons therefor.”

23. We may now apply the law laid down in the aforementioned decision to the present case.

24. The Departmental Inquiry against the petitioner was initiated *vide* the Order dated 24.04.2009, issued by the Deputy Inspector General of Police, RAF/CRPF/the respondent no. 4, alleging that the petitioner failed to perform his duty honestly and misconducted as a Pay Clerk, coupled with the fact that he illegally manipulated the Government Muster Roll, thereby misappropriating Government funds and failing to perform his duty honestly. Mr. Satbir Singh, Second-in-Command, 103rd Bn, RAF/CRPF, was appointed as the Inquiry Officer.

25. Before the commencement of the Inquiry, the petitioner was handed over the Charge-Sheet along with the annexures, and he gave



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his no objection for conducting the Departmental Inquiry by the appointed Inquiry Officer. The petitioner pleaded ‘*not guilty*’ to the Charges leveled against him.

26. From the record, we find that the Disciplinary Authority had minutely examined the entire evidence, including the depositions of 09 witnesses and 20 documents produced on record. The witnesses duly supported the documentary and the circumstantial evidence against the petitioner. The record further reveals that the statements of all the witnesses were recorded in the presence of the petitioner, who was provided an opportunity to cross-examine them. After the completion of the statement of every witness, a copy of the statement was provided to the petitioner then and there. The petitioner had filed his written statement before the Inquiry Officer, but did not provide the name of any witness to be examined in his defence.

27. Insofar as Charge No. 1 is concerned, it was alleged that the petitioner, while working in the 103rd Bn, RAF, CRPF as a Pay Clerk, had improperly drawn the House Rent Allowance (“HRA”) in the name of another Force personnel, namely Inspector / GD Darshan Singh, and received an amount of Rs. 15,460/- from the disbursing register on 14.10.2006, however, he did not make an entry of this amount in his own Government Muster Roll or in the Government Muster Roll of the Inspector / GD Darshan Singh.

28. SI(M) Praveen Kumar, who appeared as witness no. 1, duly supported the case of the department and stated that the petitioner had passed the bill for an amount of Rs. 15,460/- and received the said amount after signing in the disbursing register. After the preparation



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of the bill, he did not make an entry of the said amount in Inspector/GD Darshan Singh's Muster Roll, so that the said discrepancy could not be detected. The witness no. 1, who succeeded the petitioner to his post on 02.02.2008, came to know about the acts of deceit committed by the petitioner when he thoroughly checked the records. Furthermore, the witness no. 1 informed the Inquiry Officer that he was aware that the petitioner was not entitled to the HRA.

29. SI (M) Sushil Guhai and SI (M) Rakesh Kumar Sinha, while appearing as witness no. 4 and 9, respectively, corroborated the testimony of the witness no. 1. Upon examining the evidence of the aforementioned three witnesses and the supporting documents provided by them, the Inquiry Officer arrived at the conclusion that the Articles of Charge No. 1 stood proved against the petitioner.

30. Apart from stating that due to mental tension and being under the pressure of work, the petitioner unintentionally / erroneously had not properly checked the pay bill register of Inspector / GD Darshan Singh, the petitioner failed to provide any sufficient explanation for the allegations levelled against him. He, however, admitted that he had prepared the bill for Rs. 15,460/- in the name of Inspector / GD Darshan Singh at the time when he was not posted in the 103 Bn.

31. As for the Charge No. 3 and 4, the allegation against the petitioner was with respect to manipulations in the Muster Roll, that is, the recovery of an amount of Rs. 740/- during the month of December, 2004, but the said amount was not actually recovered from his salary, similarly the entry of recovery of Rs. 397/- from his salary



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for the month of January, 2007 had been made in the Muster Roll, but no such amount was deducted from his salary.

32. As for the Charge no. 2 and 5, the allegations against the petitioner was that of tampering with the account of year 2007-08 ahead of his name in the CGHS column by using correction fluid and also that he had made certain entries regarding monies recovered from March, 2006 to February, 2007 in the Muster Roll in the column of CGHS account, however, the said amount was never deducted from the salary of the petitioner. The Inquiry Officer concluded that the Charges No. 2, 3, 4 and 5 were proved against the petitioner.

33. Turning to the Charge No. 6, the accusation is that the petitioner while under suspension from 01.02.2006 to 01.05.2006 due to the previous misconduct and while the Departmental Inquiry was pending in another matter, withdrew an amount of Rs. 6,898/- towards arrears and did not make the entries of the withdrawal in the Government Muster Roll account. After the conclusion of the Departmental Inquiry, the petitioner submitted an application for drawing the aforesaid amount on 24.12.2008, concealing the fact that the amount had previously been withdrawn. In these circumstances, the Inquiry Officer held that the Charge No. 6 was proved against the petitioner.

34. The learned counsel on behalf of the petitioner had vehemently contended that the findings of the Inquiry Officer were erroneous as the petitioner had made the requisite entries in his Muster Roll for the years 2005, 2006 and 2007. Moreover, the petitioner had withdrawn the amount of Rs. 6,898/- during his suspension period towards



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subsistence allowance and after being exonerated in the Departmental Inquiry, had claimed the balance amount.

35. We are afraid that the submissions that have been addressed are contrary to the evidence produced on record during the Departmental Inquiry. The learned counsel failed to establish the said submissions from the documents produced and witnesses examined by the Inquiry Officer. He further failed to show that the petitioner had cross-examined the witnesses on the said facts to prove his alleged defence.

36. The Appellate Authority, while disposing of the Appeal dated 27.01.2010, preferred by the petitioner under Rule 28 of the CRPF Rules, 1955, found that the Inquiry Officer had conducted the Inquiry as per the Rules and Regulations. He had granted an opportunity of a personal hearing to the petitioner before finally deciding the case against him and observed that the plea of the petitioner that he had unintentionally made the mistake due to mental tension and being under pressure of work was not maintainable. After thoroughly perusing the record, the Appellate Authority declined to interfere with the Inquiry Report and the punishment of dismissal from Service.

37. The Revisional Authority reiterated the findings given by the Appellate Authority, and found that the petitioner had committed financial irregularities while performing his duty as a Pay Clerk and had misappropriated the Government funds. Accordingly, the Revisional Authority dismissed the Revision Petition, upholding the punishment of dismissal from Service.

38. We find no reason to interfere with the findings of the Inquiry Officer. As noted hereinabove, while exercising the powers under



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Article 226 of the Constitution of India, the Court will not be correct in re-appreciating the evidence on factual aspects recorded before the Inquiry Officer. The learned counsel for the petitioner has failed to show that the Departmental Inquiry was vitiated on account of a violation of principles of natural justice or that the Inquiry had been conducted in violation of the Statutory Rules.

39. Needless to say, the findings returned by the Disciplinary Authority were duly confirmed by the Appellate Authority and upheld by the Revisional Authority with respect to all the Articles of Charges levelled against the petitioner and the punishment imposed on him. The petitioner being a member of a disciplined Force was expected to discharge his duty with the utmost sincerity by maintaining impeccable integrity. However, while performing the duties as a Pay Clerk, he indulged in making a false entry for the withdrawal of HRA amount of Rs. 15,460/- by raising a bill in the name of Inspector / GD Darshan Singh, despite having been transferred from 103rd Bn to the 128th Bn, and credited the said amount in his own favour.

40. We are afraid that we do not find merit in the submission that this was an inadvertent error committed by the petitioner. While performing his duties as a Pay Clerk, the petitioner transgressed by raising a pay bill for reimbursement of HRA in the name of another Force personnel and taking the amount himself, leading to misappropriation of Government funds. He further committed serious irregularities *qua* the Government Muster Roll and tried to siphon off money from the public exchequer. Therefore, we find ourselves in complete agreement with the findings returned by the Disciplinary



Authority, which were duly confirmed by the Appellate Authority and upheld by the Revisional Authority in respect of all the charges levelled against the petitioner.

41. In our view, the penalty of dismissal from Service imposed on the petitioner is commensurate with the gross misconduct and dereliction of duty on his part.

42. That being said, we may now deal with the other prayer of the petitioner, which is, that he may be granted the Compassionate Allowance. The learned counsel for the petitioner submitted that the petitioner is entitled to Compassionate Allowance by virtue of the Rule 41 of the Rules, even on dismissal from Service. In support of this argument, the learned counsel has placed reliance on ***Mahinder Dutt Sharma*** (supra) and ***Major GS Sodhi*** (supra).

43. We may refer to Rule 41 of the Rules which reads as under:

“41. Compassionate allowance.- (1) A Government servant who is dismissed or removed from service shall forfeit his pension and gratuity: Provided that the authority competent to dismiss or remove him from service may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two - thirds of pension or gratuity or both which would have been admissible to him if he had retired on superannuation pension. (2) The competent authority shall, either on its own or after taking into consideration the representation of the Government servant, if any, examine whether any compassionate allowance is to be granted and take a decision in this regard in accordance with the proviso to sub-rule (1) not later than three months after the date of issue of the order imposing the penalty of dismissal or removal from service. (3) The competent authority shall



consider,- (a) each case of dismissal and removal from service on its merit to decide whether the case deserves of special consideration for sanction of a compassionate allowance and, if so, the quantum thereof. (b) the actual misconduct which occasioned the penalty of dismissal or removal from service and the kind of service rendered by the Government servant. (c) in exceptional circumstances, factors like family members dependent on the Government servant along with other relevant factors. (4) Where an order imposing the penalty of dismissal or removal from service was issued before the date of commencement of these rules and the competent authority, at that time, did not examine or decide whether or not any compassionate allowance was to be granted in that case, that authority shall take a decision in this regard not later than six months from the date of commencement of these rules. (5) No compassionate allowance shall be sanctioned after the expiry of the aforesaid period of six months, to a Government servant on whom a penalty of dismissal or removal from service was imposed before the date of commencement of these rules. (6) A compassionate allowance sanctioned under the proviso to sub-rule (1) shall not be less than the amount of minimum pension under rule 44.”

44. We are afraid that the Judgment in ***Mahinder Dutt Sharma*** (supra) does not support the case of the petitioner in any manner, as the petitioner has been dismissed from the Service on an act of moral turpitude/dishonesty and an act designed for personal gains from the employer, being the Government. Given the nature of the offences, we do not find this to be a fit case for the grant of Compassionate Allowance.



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45. The reliance placed by the learned counsel on the Judgments in the *State of Jharkhand* (supra), *Major GS Sodhi* (supra), and *D.S Nakara & Ors.* (supra) are all distinguishable on their own facts, hence not applicable to the facts of the present case.

46. In the peculiar circumstances, we are unable to accept the prayer of the petitioner for granting Compassionate Allowance, especially, keeping in view the gravity of the offences committed, that is, embezzling funds from the public exchequer. In terms of the aforesaid observation, the petition is dismissed.

SHALINDER KAUR, J

NAVIN CHAWLA, J

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[Click here to check corrigendum, if any](#)