



2025:DHC:2582-DB



\$~29 (14.04.2025)

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

Date of decision: 15.04.2025

+ W.P.(C) 13423/2019

SAURABH RAGHAV

.....Petitioner

Through: Mr. M. D. Jangra, Adv.

versus

UNION OF INDIA & ORS

.....Respondents

Through: Mr. T. P. Singh, Sr. Central
Govt. Counsel for UOI.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. The matter is taken up today as 14.04.2025 was declared as a holiday on account of the birth anniversary of Dr. B.R. Ambedkar.
2. This petition has been filed by the petitioner, challenging the Order dated 25.03.2019 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'learned Tribunal') in CP No. 662/2018 (hereinafter referred to as, 'Contempt Petition') filed in Original Application No. 3374/2014 (hereinafter referred to as, 'OA') titled *Saurabh Raghav v. Sanjay Mitra and Ors.*, dismissing the said Contempt Petition filed by the petitioner herein.
3. As a brief background of facts giving rise to the present petition, the petitioner had filed OA No. 3374/2014 challenging the



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Order dated 19.03.2014 passed by the respondents, whereby the application of the petitioner for grant of compassionate appointment was rejected by the respondents on the ground that the same cannot be granted to a married son of the deceased employee.

4. The said OA was allowed by the learned Tribunal *vide* its Order dated 13.07.2016, with the following directions:

“5. Accordingly, the impugned order dated 19.03.2014 is set aside and the respondents are directed to reconsider the case of the applicant on compassionate grounds ignoring his marital status, within a period of 90 days from today. OA is disposed of accordingly. No costs.”

5. On reconsideration of the case of the petitioner for grant of compassionate appointment, the respondents passed an Order dated 19.07.2018, again rejecting his application by making the following observations:-

6.

- “1. Please refer to your application dt. 18 Nov 2013.*
- 2. Your case for compassionate ground/appointment was considered by the Board of Officers, in the Annual BOO Bd 2017-18 held from 09 May 2018 to 11 May 2018. Your case could not make up in relative merit against the ceiling of 5% quota due to constraints of inadequate vacs and thus could not be recommended as intimated *vide* HQ BWG letter No. 20301/CA/Misc/Est/T-8dt 03 Jul 2018.*
- 3. However, you can apply afresh, if so desired as per the policy in vogue with latest status of various parameters to be considered in the Annual Bd to be conducted next year.*
- 4. This is for your information-please.”*



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7. Complaining that the said Order was passed in violation of the Order dated 13.07.2016 passed by the learned Tribunal, the petitioner filed the above Contempt Petition. The same has dismissed by the learned Tribunal by observing therein that as the case of the petitioner for grant of compassionate appointment has been considered by the respondents and an Order dated 19.07.2018 has been passed, no case of contempt was made out by the petitioner.

8. Aggrieved by the said Order, the petitioner filed the present petition.

9. The learned counsel for the petitioner submits that earlier, the application of the petitioner for grant of compassionate appointment was rejected by the respondents solely on the ground that he was a married son of the deceased employee. The learned Tribunal did not find any merit in the said objection of the respondents, and set aside the Order dated 19.03.2014 passed by the respondents. The learned Tribunal further directed the respondents to reconsider the case of the petitioner for grant of compassionate appointment. Instead of considering the petitioner for compassionate appointment against the vacancies of 2014, the respondents by the Order dated 19.07.2018, considered the case of the petitioner in the Annual Board of Officers of 2017-18, and rejected the same by claiming that the petitioner did not make up in the relative merit against the ceiling of 5% quota. He submits that the petitioner has, therefore, been denied a fair opportunity of being considered for compassionate appointment.

10. He further submits that this Court, *vide* its Order dated 19.12.2019 as reiterated in the Order dated 26.11.2024, had directed



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the respondent to place the vacancy position for the year 2014 on record. Though the respondents have filed an additional affidavit dated 02.12.2024, the above question posed by this Court has not been answered.

11. On the other hand, the learned counsel for the respondents submits that the Order dated 13.07.2016 was duly complied with by the respondents and the case of the petitioner was considered by the Board of Officers for the year 2017-18. He submits that as the petitioner could not make up in relative merit, his name was not recommended for grant of compassionate appointment. He further submits that there was no direction of the learned Tribunal to grant compassionate appointment to the petitioner and, therefore, no contempt was made out, and the Contempt Petition has rightly been dismissed by the learned Tribunal.

12. He further submits that as far as the compliance with the Orders dated 19.12.2019 and 26.11.2024 is concerned, though the respondents in the additional affidavit have not stated regarding the number of vacancies that were available in the year 2014, he has now received instructions *vide* letter no. B/03418/1968/SR-509/EME Civ-6B ('instructions') dated 17.02.2025, stating that no vacancy for the said year for appointment to be made on compassionate basis is available.

13. The learned counsel for the petitioner in rejoinder submits that the other candidates who were also married, were granted compassionate appointment in the year 2014 itself by the respondents, thereby discriminating against the petitioner.



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14. We have considered the submissions made by the learned counsels for the parties.

15. The directions passed by the learned Tribunal in its Order dated 13.07.2016 has been reproduced by us hereinabove. The same only requires the respondents to reconsider the case of the petitioner for grant of compassionate appointment ignoring his marital status. The respondents have passed the Order dated 19.07.2018 stating that they had reconsidered the case of the petitioner without keeping in view his marital status, however, found that the petitioner would not meet the relative merit for the same. Though there can be some merit in the submissions of the learned counsel for the petitioner that his case for compassionate appointment was to be considered against the vacancies of the year 2014, when his case was first considered, in our view, the said issue could not have been determined by the learned Tribunal in a Contempt Petition. The remedy of the petitioner, if any, was to approach the learned Tribunal by way of an appropriate petition. Therefore, no fault can be found in the learned Tribunal dismissing the Contempt Petition stating that now that the order dated 19.07.2018 had been passed by the respondents, no case of contempt was made out.

16. As noted hereinabove, this Court *vide* its Orders dated 19.12.2019 and 26.11.2024 had called upon the respondents to state the vacancy positions, if any, for the year 2014 towards compassionate appointment. The learned counsel for the respondents has placed before us the instructions dated 17.02.2025 which state that no vacancy is available against the said post for the year 2014. The effect



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thereof shall also have to be considered by the learned Tribunal in case the petitioner chooses to challenge the Order dated 19.7.2018.

17. The plea of the petitioner that some other candidate had been granted compassionate appointment in spite of his marital status, cannot be considered in this petition which has been filed against the dismissal of the Contempt Petition filed by the petitioner.

18. Therefore, we find no merit in the present petition and the same is, accordingly, dismissed. However, we grant liberty to the petitioner to avail his remedies in accordance with law.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

APRIL 15, 2025

p/mn/ik

Click here to check corrigendum, if any