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

+ **W.P.(C) 8400/2026**

HARVINDER SINGH BEDI

.....Petitioner

Through: Mr. Uday Gautam and Mr. Tushar
Malhotra, Advocates.

versus

**UNION OF INDIA THROUGH SECRETARY OF DEFENCE &
ORS.**

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **24.07.2026**

1. The Petitioner seeks a direction to Respondent Nos. 1 to 3 to decide his representation dated 24th February, 2023, by which he has requested initiation of appropriate departmental action against Respondent No. 4 for the alleged breach of the conditions governing his appointment on compassionate grounds.
2. The Petitioner's father, Late Mr. Joginder Singh Bedi, was employed as a *Daftary* with the Camp Commandant, Air Force, Air Headquarters, New Delhi. He died while in service, leaving behind his widow, two sons and two daughters. Respondent No. 4, who is the Petitioner's elder brother, was thereafter appointed as a Lower Division Clerk on compassionate grounds.
3. Counsel for the Petitioner submits that an appointment on compassionate grounds is ordinarily subject to an undertaking by the appointee to maintain the other dependent members of the family of the



deceased employee. Reliance is placed upon Clause 15 of the consolidated Scheme for Compassionate Appointment issued by the Department of Personnel and Training *vide* Office Memorandum No. 14014/1/2022-Estt.(D) dated 2nd August, 2022, which provides that neglect or failure to maintain the dependent family members may entail termination of the compassionate appointment.

4. It is submitted that the Petitioner sought a copy of the undertaking stated to have been furnished by Respondent No. 4 at the time of his appointment. By communication dated 19th April, 2022, Respondent No. 2 informed him that the undertaking was not available, as the appointment had been made nearly thirty years earlier and the relevant records were retained only for a period of five years under the applicable Record Retention Schedule. The communication, however, referred to Paragraph 14 of the DoPT Office Memorandum dated 16th January, 2013, which also contemplated an undertaking by a compassionate appointee to maintain the dependent members of the deceased employee's family. The same position was reiterated in a subsequent communication dated 13th July, 2022.

5. On the basis of the aforesaid communications, the Petitioner submitted a representation dated 24th February, 2023, alleging that Respondent No. 4 had failed to maintain the dependent members of the family and had thereby breached the conditions governing his compassionate appointment. The representation is stated to have remained undecided.

6. At this stage, the Court is not called upon to determine whether the Petitioner is entitled to seek initiation of departmental enquiry against Respondent No. 4, particularly after the lapse of nearly three decades from



the date of his appointment.

7. The relief presently pressed is confined to a decision on the representation dated 24th February, 2023. No substantive relief is being granted against any of the Respondents, nor is the competent authority being directed to initiate an enquiry or take action against Respondent No. 4. It is only for this limited purpose that the petition is being disposed of without issuance of notice to the Respondents.

8. Respondent Nos. 1 to 3 shall, accordingly, examine the representation dated 24th February, 2023, and communicate a reasoned decision to the Petitioner within eight weeks from today. The directions contained in this order shall not be construed as an expression of any *prima facie* view regarding the maintainability or merits of the representation.

9. All questions bearing upon the maintainability of the Petitioner's representation, including the his locus to seek the relief prayed for, the effect of the lapse of time, the applicability of the relevant policy to the appointment of Respondent No. 4, the existence and effect of the alleged undertaking, and the nature of any action, if at all, that may lawfully be taken under the governing service rules, are left open for consideration by the competent authority in accordance with law.

10. In the event the competent authority proposes to initiate any action adverse to Respondent No. 4, no such action shall be taken without furnishing him the substance of the allegations and the material sought to be relied upon, and affording him a reasonable opportunity of hearing.

11. Since any decision on the representation would concern the appointment or continuance of Respondent No. 4 in civilian service under the Union, any person claiming to be aggrieved by such decision shall,



subject to establishing locus and maintainability, avail the remedy provided under Section 19 of the Administrative Tribunals Act, 1985, before the Central Administrative Tribunal, which is the forum of first instance for such service matters. No liberty is being granted by this order to institute a writ petition directly against the decision so taken.

12. It is clarified that this Court has expressed no opinion on the merits of the allegations made by the Petitioner in the matter.

13. The petition, along with the pending application(s), is disposed of in the above terms.

SANJEEV NARULA, J

JULY 24, 2026

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