

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPSS No. 647 of 2024 <u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>(1) Mr. S.K. Mandal, learned counsel for the petitioner.</p> <p>(2) Mr. Manoj Kumar, learned Central Government Standing Counsel for the respondent-Union of India.</p> <p>(3) Petitioner applied for compassionate appointment. His claim was rejected on the ground that he is medically unfit for appointment to the post of Constable GD. The order, whereby his claim was rejected, challenged in a writ petition, which was dismissed, however, special appeal was allowed and the Competent Authority in CRPF was directed to reconsider petitioner's claim for compassionate appointment in terms of Clause VI(k) of the Standing Order No. 05 of 2021. The Competent Authority has again rejected petitioner's claim by applying Policy contained in Standing Order No. 02 of 2021.</p> <p>(4) Learned counsel for petitioner contends that since petitioner's claim was considered and rejected by applying Standing Order No. 05 of 2021, therefore, his claim should have been reconsidered in the light of the same Standing Order and the subsequent Standing Order issued in 2021 cannot have any application to the petitioner.</p>

(5) Reliance has been placed upon a Division Bench judgment of this Court rendered in SPA No. 205 of 2020. Para 7 of the said judgment is extracted below: -

"7. It is, thus, apparent that the claim of the writ petitioner was placed before the competent authority on 02.02.2018 and the competent authority instructed his subordinate officers to do the needful in the matter as per the existing policy. Thus, in such view of the matter, the judgment rendered by the Hon'ble Supreme Court in the case of "N.C. Santosh vs. State of Karnataka", passed in Civil Appeal Nos. 9280-9281 of 2014 on 04.03.2020, does not support the case of the appellants, as the Hon'ble Supreme Court, in the said judgment held that it is the date of consideration of application, which is relevant for deciding which norms will apply to a particular case. The new policy banning compassionate appointment was enforced much later on 12.06.2018. Therefore, it will not have any retrospective operation."

(6) This Court finds some substance in the submission made by learned counsel for the petitioner. Interim mandamus is issued to respondent no. 5 to give appointment to petitioner on compassionate ground or to show cause by filing counter affidavit, within three weeks.

(7) List this case on 03.06.2024.

(Manoj Kumar Tiwari, J.)
24.04.2024

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