
(2010) 12 SHI CK 0274
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 10133 of 2008

Chaman Lal

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 31-12-2010

Acts Referred:

Citation : (2010) 12 SHI CK 0274

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Judgement

Rajiv Sharma, J.—Petitioner's father died in harness while working as whole time contingent paid cook on 30th November, 2000. Petitioner submitted an application seeking compassionate appointment after the demise of his father. His case was turned down by the Respondent on 6th July, 2002.

2. The case of the Petitioner, in a nutshell, is that as per policy framed by the Respondent/State on 18th January, 1990, the wards of the daily wage employees are also entitled to get appointment on compassionate basis.

3. Mr. Vinod Thakur, learned Deputy Advocate General has justified issuance of Annexure P-C, dated 6th July, 2002. A bare perusal

4. of Annexure-1, dated 18th January, 1990 makes it abundantly clear that the ward of daily wage employee who dies while in service after rendering 5 years service with not less than 240 days on daily wage basis in a year is entitled to get employment on daily wage basis. The learned Deputy Advocate General has also placed on record the copy of office memorandum dated 18th May, 1995. According to this memorandum now a daily wage employee who dies while in service leaving his family in immediate need of assistance may be given compassionate employment on daily wage only. The rigours of 5 years service with not less than 240 days in a year have been diluted. The Respondents should have taken into consideration para 2 of the Scheme, dated 18th January, 1990 read with office memorandum dated 18th May, 1995 while considering the case

of the Petitioner. The case of the Petitioner has been illegally rejected by the Respondent vide Annexure P-3, dated 6.7.2002. The case of the Petitioner was covered under the instructions/guidelines issued on the subject alongwith office memorandum dated 18th May, 1995.

5. Accordingly, in view of the observations made hereinabove, the petition is allowed. Annexure P-3, dated 6.7.2002 is quashed and set aside. The Respondents are directed to consider the case of the Petitioner as per Notification dated 18th January, 1990 read with office memorandum dated 18th May, 1995, within a period of two months after the production of certified copy of this judgment by the Petitioner. The pending application(s), if any, also stands disposed of. No costs.