
(2011) 04 SHI CK 0242
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 9114 of 2008

Dev Singh

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 21-04-2011

Acts Referred:

Citation : (2011) 04 SHI CK 0242

Hon'ble Judges : V.K. Sharma, J

Bench : Single Bench

Judgement

V.K. Sharma, J.—The petition has been filed on the following prayers vide para 8(i) & (ii):

8(i). That the Respondents be directed not to treat Shri Tarsem Singh as member of the family of the deceased Bhagat Ram.

(ii). And further to provide job to the applicant on compassionate grounds.

2. In the reply, the Respondents have taken the following stand vide para 1 of the preliminary submissions:

1. That case of the applicant is not covered under the policy. The employment assistance to one of the dependent of family of deceased Govt. servant is only given in certain specified circumstances. The aim of the policy is that most of the Govt. servant and their families are dependent on the salary of the concerned Govt. servant and such cases of sudden death needs immediate means of subsistence. According to para 5(6) of the policy in case where one or more members of the family are already in Govt. service or in employment of autonomous body/board/corporation etc. of the State/Central Govt., employment assistance should not under any circumstances be provided to second or third members of the family. It is further provided that in cases however where the widow of the deceased Govt. servant represents or claims that the employed daughter/sons are not supporting her, the request of the employment assistance

should be considered in respect of widow. A copy of policy dated 18.1.1990 is already on record as Annexure A-II. In the instant case, the elder brother of the applicant is working as Beldar in the I&PH Department and widow of the deceased Govt. servant has not applied for employment but the younger son of the deceased Govt. servant has applied for employment assistance which cannot be given employment in view of the policy. As such the case of the applicant has been rejected and the applicant is not entitled to maintain the present OA.

3. In view of the above reply, in case the Petitioner still has any surviving grievance, he may make a representation along with copy of this judgment to Respondent No. 1/competent authority within one month from today who shall consider and decide the same in accordance with law within next three months after affording an opportunity of being heard to the Petitioner, if so desired.

4. The petition stands disposed of in the above terms, so also pending application(s), if any.