
(2010) 11 SHI CK 0131
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 6259 of 2008

Jagan Nath

APPELLANT

Vs

The State of H.P. and Another

RESPONDENT

Date of Decision : 12-11-2010

Acts Referred:

Citation : (2010) 11 SHI CK 0131

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

Bench : Single Bench

Final Decision : Allowed

Judgement

V.K. Sharma, J.—The petition has been filed for grant of the following substantive reliefs vide para 7(i):

7(i) That the impugned orders (AnnexuresPJ and AnnexurePK) may kindly be quashed and the respondents may be directed to reconsider the case of the applicant who is in the entire need of assistance, for the grant of employment to the applicant on Compassionate grounds as early as possible in the interest of justice and fair play.

2. In reply, the following stand has been taken by the respondents vide paras 3 and 6(ii) and 6(v):

3. The contents of this para are not correct, hence denied. It is submitted that the order annexure PJ dated 13.10.1999 has been passed strictly in accordance with the policy of the Government providing for the employment/assistance to the dependants of the Government servants who die while in government service leaving the family in indigent circumstances. The benefit of this policy was also extended to the dependants of the daily wages employees who die in service as is evident from office memorandum annexure PM. Be it mentioned that the father of the applicant late Shri Shiv Ram was neither a regular employee nor daily waged employee of the department, but was engaged on parttime basis (four hours a day) and hence the case of the applicant is not covered under the

aforementioned policy.

The applicant, therefore, has no cause to raise any grievance contrary to the policy of the government and as such the applicant is not maintainable before this Hon''ble Tribunal. 6(ii) In reply to this para it is submitted that the father of the applicant late Shri Shiv Ram had been working on parttime basis (four hours daily) and not as a daily rated workman as has been alleged in this para. It is further submitted that the father of the applicant was reengaged on part time basis in the same capacity in pursuance of the order dated 26.7.1991 of this Hon''ble Tribunal passed in O.A. No. 950/90 titled Sh. Shiv Ram V/S State of HP and Ors. This O.A. had been filed by late Shri Shiv Ram against his removal from service on part time basis. Rest of the contents of this para are not disputed.

6(v) The contents of this para so far as they relate to the rejection of the case of the applicant for employment on compassionate grounds are admitted to be correct. Rest of the contents of this para are wrong, hence denied. The employment on compassionate grounds cannot be claimed as a matter of right. Moreover, it may be submitted that the case of the applicant does not fall under the policy, therefore, he could not be given the employment dehors the policy. It may be submitted further that although the father of the applicant had worked on parttime basis for a long time. Yet during this period he was not employed as daily waged or on regular basis. The applicant at this stage cannot be allowed to claim that his father should have not been regarded as a parttime employee in keeping with the number of years rendered in the service. This is a belated thought having no legal consequences. This Hon''ble Tribunal has no jurisdiction to entertain this plea of the applicant.

3. In case the petitioner still has any surviving grievance with regard to the factual and legal position, it will be open to him to approach the respondents alongwith copy of this judgment within a month, in which case the respondents will look into the matter and after affording the petitioner an opportunity of being heard, if so desired, shall take appropriate action in accordance with law and justice and appropriate orders thereon shall be passed within three months.

4. The petition stands disposed of in the above terms.