
(2011) 04 SHI CK 0378
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 11636 of 2008

Jai Pal

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 06-04-2011

Acts Referred:

Central Civil Services (Pension) Rules, 1972 — Rule 38

Citation : (2011) 04 SHI CK 0378

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

Bench : Single Bench

Judgement

V.K. Sharma, J.—The petition has been filed on the following prayer:

The Respondents may be directed to appoint the applicant on the basis of his qualification on compassionately ground as per the Govt. policy and the impugned order vide Ann. P1 dated 18-6-2004 be quashed and set aside.

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

The applicant in his O.A. vide Para No. 7 has sought for relief(s) for his appointment on compassionately ground as per policy of the Govt. In this connection, it is submitted that the applicant's father Sh. Prem Singh, was retired as helper under Rule 38 of CCS (Pension) Rules, 1972 on 31-07-2002.d as per policy of the Govt. vide Para 17.2.3(ii) of the hand book Vol.1 of personnel matters it has been laid down that "The class-III Govt. servant retiring on medical grounds should not have crossed the age of 53 years and the class IV employee should not have crossed the age of 55 years on the date of premature retirement." In the present case the age of the applicant's father was 1-7-1943 and retired on invalid pension on 31-07-2002. he was class-IV employee and his age at the time of pre-mature retirement was 59 years. The applicant does not fulfill the statutory condition of admissibility of employment assistant. Hence the present O.A is not maintainable and deserves to be dismissed on this score alone.

3. Rejoinder refuting the stand on behalf of the Respondents and reiterating the averments set up in the petition has been filed.
4. In view of the above reply, in case the Petitioner still has any surviving grievance, he shall be free to make a detailed representation supported by documents, if any, along with copy of this judgment to Respondents/competent authority within one month from today, who shall consider the same and take a final decision in the matter within next three months in accordance with law, after affording an opportunity of being heard to the Petitioner, if so desired.
5. The petition, as also pending CMP(s), if any, stand disposed of.