

(2011) 05 SHI CK 0032
In the High Court Of Himachal Pradesh
Case No : CWP No. 1099 of 2011

Jarnail Singh

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 04-05-2011

Acts Referred:

Citation : (2011) 05 SHI CK 0032

Hon'ble Judges : Sanjay Karol, J

Bench : Single Bench

Judgement

Sanjay Karol, J.—Petitioner has prayed for the following reliefs:

(i) That the Respondents may be directed to declare the result of the interview held on 1.5.2010 for the posts of forest guard under the "Died in harness scheme" and give appointment to the Petitioner on compassionate ground immediately.

(ii) That records of the case may be summoned for the kind perusal of this Hon"ble Court.

2. It is not in dispute that Sh. Parshotam Singh who was originally employed with Respondent No. 3 died in harness on 10.5.2009. He was survived by his widow, daughter and two sons According to the Petitioner they were economically dependent upon him. Petitioner who has cleared his twelfth standard examination in March, 2007 applied for the job on the basis of the scheme floated by the Respondents for giving compassionate appointment to the wards of the employees who died in harness. Petitioner was called for interview to be conducted on 1.5.2010, vide letter dated 13.4.2010 (Annexure P-3). Significantly this letter is under the signature of the Conservator of Forests, Dharamshala Circle, HP. Petitioner appeared in the interview but however the Respondents failed to take any further action. Consequently the present petition.

3. It is only in the reply that the Respondents have taken the defence of a

subsequent letter dated 15.7.2010 (Annexure R-1) conveying the decision taken by the Government to consider the cases where applicant is a widow or cases of those applicants where both the parents are not alive.

4. I am of the view that the Respondents ought to have considered the Petitioner's request on the basis of the policy prevalent at the relevant time. That apart, Annexure R-1 is issued not in super session of the policy (Annexure R-2). All that Annexure R-1 conveys is that the department is considering the cases of widows or where the parents are not alive. It does not rescind the earlier policy. Annexure R-1 in any event is to apply prospectively as on this date the process of selection had already begun.

5. Be that as it may be, Petitioner ought to have been informed of the decision or the view taken by the State. Consequently there shall be a direction to the Respondents to consider the Petitioner's case in the light of the policy existing as on the date when the interview was conducted. Needful be positively done within a period of three months from the date of receipt of certified copy of the judgment. Needless to add Petitioner shall be afforded an opportunity of hearing before taking the decision.

6. In view of the aforesaid observations, present petition stands disposed of, so also the pending application(s), if any.