
(2014) 08 SHI CK 0053
In the High Court Of Himachal Pradesh
Case No : CWP No. 5097 of 2014

Leela Bhagti

APPELLANT

Vs

State of Himachal Pradesh

RESPONDENT

Date of Decision : 05-08-2014

Acts Referred:

Citation : (2014) 08 SHI CK 0053

Hon'ble Judges : Sureshwar Thakur, J;Rajiv Sharma, J

Bench : Division Bench

Advocate : Naveen K. Dass, Advocate for the Appellant; Anup Rattan, Addl. A.G. and Vivek Singh Attri, Dy. A.G, Advocate for the Respondent

Final Decision : Allowed

Judgement

Rajiv Sharma, J.—Petitioner lost her husband on 20.10.2007. Petitioner submitted an application seeking employment on compassionate basis. Case of the petitioner was rejected on 6.3.2009. Petitioner was informed that her case did not fall within the income/indigency criteria adopted for giving appointment on compassionate basis. Petitioner also made a representation on 28.8.2013. Representation till date has not been decided. It is evident from the income certificate Annexure P-4 that the total income of the petitioner is Rs. 1,17,000/-. Family pension is Rs. 72,512/-. Family pension has also been included in annual income of Rs. 1,17,000/-. It is settled law by now that while computing the income of family for the purpose of compassionate appointment, the pensionary/retiral benefits should not be taken into consideration.

2. Their Lordships of the Hon'ble Supreme Court in Govind Prakash Verma vs. Life Insurance Corporation of India and others, (2005) 10 SCC 289, while dealing with almost similar situation has held as under:

6.....The scheme of compassionate appointment is over and above whatever is admissible to the legal representatives of the deceased employee as benefits of service which one gets on the death of the employee. Therefore, compassionate

appointment cannot be refused on the ground that any member of the family received the amounts admissible under the Rules.....

3. This Court in Kumari Savita Sharma Vs. State of H.P. and Others, has taken a view that while considering the applications for giving appointment on compassionate grounds, pension received by the family is not to be computed for the purpose of determining the income of the family.

4. Similar view has been taken by this Court in CWP No. 9965 of 2011 titled as Vikas Kumar vs. State of H.P., decided on 28.8.2012, CWP No. 4852 of 2013, titled as Ashwani Kumar vs. State of H.P. and others, decided on 29.7.2013 and CWP No. 9637 of 2013, titled as Parvinder Kumar vs. State of H.P. and others, decided on 2.1.2014.

5. Accordingly, the writ petition is allowed. Annexure P-6 dated 30.12.2009 is set aside. Respondents are directed to consider the case of the petitioner for compassionate appointment in view of the law laid down in the judgments cited hereinabove, within a period of 8 weeks from today. Pending application(s), if any, also stands disposed of. No costs.