

(2011) 04 SHI CK 0075
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 12609 of 2008

Munshi Ram

APPELLANT

Vs

State of Himachal Pradesh and Others

RESPONDENT

Date of Decision : 29-04-2011

Acts Referred:

Citation : (2011) 04 SHI CK 0075

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 7 (i) to (iv):

7 (i). To direct the Respondents to appoint applicant No. 2 against a Government job on compassionate grounds,

(ii). To further allow to the applicant No. 2 attendant service benefits,

(iii). To quash & set aside the impugned order at Annexure "PA" dated 17.6.2005, and

(iv). To allow to the applicants consequential relief(s) which the Hon'ble Tribunal may deem fit, just and proper in facts and circumstances of the matter.

2. In reply on behalf of the Respondents, the following stand has been taken vide para 6 (i) to (m):

6(i) to (m). That the contents of these sub paras are wrong, hence denied. It is submitted that applicant No. 1 was working in IPH Sub Division No. 1, Mandi (H.P.) as Beldar on work charged basis sought retirement on medical grounds during the year, 2002 and sought employment on compassionate grounds to his younger son applicant No. 2. The only case of applicant No. 1 is that he is living separately and his wife is living with elder son and he has no good terms with his wife, but this contention appears to be manipulated one as there is no document

of legal separation/divorce. An agreement cannot be considered as divorce. As per provision in the policy, the appointment on compassionate ground is not a matter of right, which solely depends upon circumstances of family becoming indigent and financial assistance given to the family of deceased or employee seeking retirement. The applicant No. 1 has been given a sum of Rs. 1,03,221/- towards GPF and gratuity amounting to Rs. 45,035/-. He is also drawing monthly pension for Rs. 1310/- plus D.A. Therefore under no circumstances the family is indigent. Moreover, the wife of applicant No. 1 is already in Govt. service in Forest Department. Therefore, his son (applicant No. 2) has no ground to claim compassionate employment and as such the present O.A. is not maintainable. The grounds assailed by the applicants in these sub paras are devoid of any merit and substance and untenable in the eyes of laws.

3. Rejoinder refuting the above stand on behalf of the Respondents and reiterating the averments set up in the petition has been filed.

4. The record reveals that earlier also the Petitioner had moved the erstwhile H.P. Administrative Tribunal for grant of appointment on compassionate grounds by way of O.A. (M) No. 69 of 2005, which was ordered to be treated as a representation to Respondent No. 2, pursuant to which the impugned office order dated 17.6.2005, Annexure-PA, rejecting the claim of the Petitioner for appointment on compassionate grounds was passed. Being aggrieved, the Petitioner again approached the Tribunal by way of fresh O.A. which on abolition of the said Tribunal has been transferred to this Court and registered as CWP (T) No. 12609 of 2008.

5. 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 Respondents/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.

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