
(2009) 11 SHI CK 0023
In the High Court Of Himachal Pradesh
Case No : CWP (T) No.15008 of 2008

Nagender Singh	Vs	APPELLANT
State of Himachal Pradesh and Others		RESPONDENT

Date of Decision : 12-11-2009

Acts Referred:

Citation : (2009) 11 SHI CK 0023

Hon'ble Judges : R.B. Misra, Acting C.J.;Rajiv Sharma, J

Bench : Division Bench

Judgement

1. The Petitioner's father died in harness while working as work charge Mason Grade-III. The Petitioner sought appointment on compassionate grounds. The case of the Petitioner initially was recommended for the post of Clerk. However, in accordance with para-2 (b) (ii) of instructions of Personnel Department dated 16.8.2005, the Petitioner was offered post of daily wage Beldar on 29.11.2005. He joined his duties on 30.11.2005. He has filed the petition on 8.4.2007 seeking directions to the Respondents to consider his case for the post of Clerk instead of daily wage Beldar.

2. Mr. V.D. Khidta, Advocate has vehemently argued that the action of the Respondents of appointing the Petitioner as daily wage Beldar instead of Clerk is illegal and arbitrary. He has also contended that similarly situate persons have been offered appointment as Clerks by the Respondents.

3. Mr. R.K. Sharma, learned Senior Additional Advocate General has supported the decision of the Respondents whereby the Petitioner has been offered the appointment on compassionate grounds as Beldar vide letter dated 29.11.2005.

4. We have heard the learned Counsel for the parties and have perused the pleadings carefully.

5. The Petitioner's father died in harness on 7.7.2001. The case of the Petitioner was initially recommended for the post of Clerk, however, the same was turned

down by the State Government and new decision was taken on the basis of instructions dated 16.8.2005. The Petitioner was offered the post of Beldar. He has joined his duties on 30.11.2005. The present petition has been filed in the year 2007. The compassionate appointment is an exception. It cannot be claimed as a matter of right. However, we are of the view that in case similarly situate persons as per Annexure A-9 dated 13.3.2007 have been considered for the post of Clerk on daily wage basis, the case of the Petitioner ought to be considered on the same lines within reasonable period.

6. Accordingly, in view of the observations made hereinabove, the petition is disposed of. No costs.