
(2010) 05 SHI CK 0270

In the High Court Of Himachal Pradesh

Case No : CWP (T) No. 12704 of 2008 (OA No. 34 of 2006)

Prem Singh

APPELLANT

Vs

H.P. Board of School Education

RESPONDENT

Date of Decision : 28-05-2010

Acts Referred:

Citation : (2010) 05 SHI CK 0270

Hon'ble Judges : Surinder Singh, J

Bench : Single Bench

Judgement

Surinder Singh, J.—The Petitioner has sought the following relief:

That the Respondent may be directed to appoint the applicant on compassionate basis as a class IV (Peon).

2. The father of the Petitioner Meu Ram was a Class-IV employee in the Respondent-Board. He died on 30th June, 1999. His wife Smt. Jhabli Devi moved an application on 1st August, 1999, for appointing the Petitioner, on compassionate ground. The eldest son of the deceased was already employed in the Respondent Board in the year 1992. The Respondent-Board informed Smt. Jhabli Devi, that there was no provision to offer any appointment on compassionate grounds to the son. In case she is physically fit and less than 60 years of age, her case can be considered for such appointment. She did not respond in the meantime, she died on 2.10.2003.

3. In the year 2005, the Petitioner served a legal notice on the Respondent-Board to appoint him, on compassionate grounds. In response, Respondent-Board apprised Petitioner, since another son of late Meu Ram, named Devi Ram was already employed in the Respondent-Board, therefore, as per rules, the employment to the second or third member of the family of the deceased can not be provided in any circumstance. On getting this reply, the Petitioner preferred instant Original Application before the erstwhile Tribunal, which is registered as CWP(T) No. 12704 of 2008 in this case after abolition of the Tribunal.

4. Learned Counsel for the Petitioner submitted that after the death of his father, the Petitioner is living in harness and the policy of the State Government did apply to him as he belongs to BPL family and the elder brother, who is employed in the Respondent-Board, is living separately. Learned Counsel however, feels satisfied in case the present petition is treated as representation by the Respondent-Board, for the consideration in view of his plight.

5. Shri Lovnesh Kanwar, learned Counsel representing the Respondent-Board, has assured that the Board will surely reconsider and dispose of the representation if preferred in a time bound manner.

6. In view of the above, it is ordered that the Petitioner shall make a representation to the Respondent-Board within a period of two weeks from today alongwith copy of this petition and annexures appended thereto accompanied by any other material and the copy of this order/judgment of the Court; the Respondent-Board shall dispose of the matter within a period of six weeks thereafter.

7. The Writ Petition and all pending - 3 - 4 applications stand disposed of.