
(2010) 12 SHI CK 0035
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 8482 of 2008

Sanjay Sharma

APPELLANT

Vs

State of Himachal Pradesh and Another

RESPONDENT

Date of Decision : 23-12-2010

Acts Referred:

Citation : (2010) 12 SHI CK 0035

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rajiv Sharma, J.—Petitioner's father died in harness. He submitted an application for appointment on compassionate grounds. The same was rejected by the competent authority.

2. Mr. I.D. Bali, Sr. Advocate has strenuously argued that the Petitioner is entitled to get appointment on compassionate basis after the death of his father.

3. Mr. P.M. Negi, learned Deputy Advocate General has vehemently argued that the Petitioner's brother is already in Government service and the family is not living in indigent circumstances.

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

5. The underlined principle for offering appointment on compassionate ground is to enable the family to tide over the economic crises immediately after the death of the bread earner. In the instant case, the bread earner has died on 25.1.2001. Petitioner's family owned 4-5 bighas of land. It is fetching income of Rs. 25,000/- per annum. The family of the Petitioner has received the following benefits:

i) Ex-gratia Rs. 39,400/-

ii) Gratuity Rs. 3,50,000/-

iii) G.P.F. Rs. 82,368/-

iv) Leave encashment Rs. 1,10,110/-

6. The family could easily get interest about 4-5 thousand per month on the amounts released to the family on account of retiral benefits. Petitioner's brother is already in Government service. Mr. I.D. Bali has strenuously argued that he is living separately. It may be true that the Petitioner's brother is living separately but in view of the observations and discussion made hereinabove, the family cannot be treated to be living in indigent circumstances. The compassionate appointment is an exception and not a general rule. The indigent circumstances which may be existed at the time of the death of bread earner are no more in existence as of today. The judgment cited by Mr. I.D. Bali is not applicable to the facts and circumstances of the present case since in this case the family has already been paid more than Rs. Five lakhs towards retiral benefits.

7. Accordingly, there is no merit in the petition and the same is dismissed. No costs.