

(2012) 03 SHI CK 0332
In the High Court Of Himachal Pradesh
Case No : CWP No. 1684 of 2011

Shri Ranjeet Singh

APPELLANT

Vs

State of Himachal Pradesh

RESPONDENT

Date of Decision : 01-03-2012

Acts Referred:

Citation : (2012) 03 SHI CK 0332

Hon'ble Judges : Dev Darshan Sood, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Dev Darshan, J.—The petitioner seeks relief of compassionate appointment on the pleading that his father late Shri Chaudhari Ram @ Harbans Singh @ Harbans Lal, who was working as Patwari with the respondents died in harness on 16.10.2005. He was surviving by his widow, two sons, daughter and mother. The petitioner is elder son and applied for compassionate employment on the ground that his family was in dire need of financial assistance. He pleaded that he has passed plus two examination from Himachal Pradesh Board of School Education and that there was no one in the family who was either employed in the government or semi government organization. The petitioner stressed on his condition of indigency. In support of his contention, the petitioner also relies upon Annexure P-6, a communication dated 23rd June, 2006 addressed by the Divisional Commissioner, Kangra at Dharamshala to the Financial Commissioner & Secretary (Revenue) to the Government of Himachal Pradesh. It is undisputed before me that CWP (T) No. 15591 of 2008, titled Shri Ranjeet Singh versus State of Himachal Pradesh and others was instituted by the petitioner which was disposed of by this Court with the following directions:

The petitioner's father died in harness on 16.10.2005. The petitioner submitted an application seeking appointment on compassionate grounds. The same is under consideration of the State Government. Consequently, the respondents are directed to take a decision within a period of six weeks from today. The case of

the petitioner should be considered sympathetically. The petition stands disposed of.

2. Thereafter, the case of the petitioner was sent for reconsideration. His case was rejected vide Annexure P-8, inter alia on the grounds (a) that the compassionate employment is not a matter of right as held by the Supreme Court in number of cases (b) that the cases of compassionate employment are to be decided on the basis of indigency and economic status as per the prevailing policy of the State Government and (c) that compassionate employment is not a matter of right and at present only the cases of the widows and those persons whose parents are not alive are considered. On the advise of the Finance Department the case of the petitioner was rejected, which rejection was conveyed by the Deputy Commissioner, Kangra at Dharamshala to the petitioner. I also find from the communication dated 9th August, 2010 addressed by the Joint Secretary (Revenue) to the Deputy Commissioner, Kangra at Dharamshala that it conveying the rejection of the petitioner for compassionate employment. What requires to be noticed is that Annexure R-1 only reproduce a note as a quote. What was considered in the context of the case of the petitioner has not been mentioned. There is nothing to indicate as to whether the case of the petitioner considered in consonance with the policy for compassionate employment applicable/in vogue at the time when the father of the petitioner was died. There is nothing on record indicating as to whether the financial stringency/indigency of the family of the petitioner and other factors have been considered. The rejection is in mechanical manner without consideration of facts.

3. In these circumstances, I find that the order Annexure P-8 cannot be sustained more so when this Court had directed the respondents to consider the case of the petitioner in accordance with law which direction itself implied that the respondents had to apply their mind to the extent of consideration and had not apply the mind for rejection in mechanical manner. This writ petition is, therefore, allowed and the respondents are directed to consider the case of the petitioner herein in accordance with the prevailing policy for compassionate employment at the time of death of the father of the petitioner i.e. on 16th October, 2005. No order as to the costs. The exercise shall be completed within a period of four months from today.