

(2021) 10 SHI CK 0038
In the High Court Of Himachal Pradesh
Case No : Civil Writ Petition No. 1757 Of 2021

Sumeet Singh

APPELLANT

Vs

State Of Himachal Pradesh And Others

RESPONDENT

Date of Decision : 21-10-2021

Acts Referred:

Citation : (2021) 10 SHI CK 0038

Hon'ble Judges : Mohammad Rafiq, CJ; Sabina, J

Bench : Division Bench

Advocate : Onkar Jairath, Ashok Sharma, Ritta Goswami, Vikas Rathore, Seema Sharma

Final Decision : Disposed Of

Judgement

Mohammad Rafiq, CJ

CMP No. 10364 of 2021

1. This application has been filed seeking impleadment of The Secretary (Panchayati Raj and Rural Development) to the Government of Himachal Pradesh; The Director (Rural Development) and Block Development Officer, Fatehpur, District Kangra as respondents No. 4 to 6 in the array of respondents.

2. Mr. Vikas Rathore, learned Additional Advocate General, puts in appearance on behalf of the said respondents.

3. For the reasons stated in the application, the same is allowed and The Secretary (Panchayati Raj and Rural Development) to the Government of Himachal Pradesh; The Director (Rural Development) and Block Development Officer, Fatehpur, District Kangra, are ordered to be impleaded as party-respondents, shall figure as respondents No. 4 to 6 in the array of respondents. Amended memo of parties is ordered to be taken on record. The application is disposed of.

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4. This writ petition has been filed by Sumeet Singh with the prayer that the respondents be directed to decide the case of the petitioner within a time bound manner to grant employment to him on compassionate grounds.

5. The contention of the learned counsel for the petitioner is that his father was appointed as a daily wage employee in the Rural Development Department on 1st January, 1989. His services were regularized in the year 2007. However, unfortunately, he died in harness on 19th April, 2013. The mother of the petitioner thereafter submitted application for her appointment on compassionate grounds with all the necessary documents. The competent authority vide order dated 29th September, 2015, accorded its approval to provide employment to the mother of the petitioner on compassionate grounds at the post of Class-IV against the existing available vacant post in relaxation of 5% quota meant for such appointments. Since the mother of the petitioner was not keeping well, therefore, she made a request to the competent authority that instead of her, the case of the petitioner, i.e., her son, be considered for appointment. Thereafter, vide letter, dated 15th February, 2016, the case of the petitioner was forwarded by the Deputy Director of Higher Education, Kangra at Dharamshala to the Director of Higher Education. The matter remained pending and no decision was taken since then. The petitioner submitted representation to the Director of Higher Education pressing for decision of his application.

6. It is informed that the case of the petitioner was forwarded to the Secretary (Panchayati Raj and Rural Development) to the Government of Himachal Pradesh by the Additional Secretary to the Chief Minister on 7th February, 2020, but, no decision on the same has been taken so far.

7. Even though, the learned Additional Advocate General has opposed the writ petition, but, considering the limited nature of prayer and that the matter is still pending consideration with the respondents, we dispose of this writ petition requiring respondent No. 4, i.e. The Secretary (Panchayati Raj and Rural Development) to the Government of Himachal Pradesh, to decide the application of the petitioner for grant of appointment on compassionate grounds, under intimation to him, within a period of thirty days from the date of production of a copy of this order.

8. Pending miscellaneous applications, if any, shall also stand disposed of.