

(2010) 10 SHI CK 0223
In the High Court Of Himachal Pradesh
Case No : L.P.A. No. 145 of 2010

The Managing Director H.R.T.C.

APPELLANT

Vs

Parvez Akhtar and Another

RESPONDENT

Date of Decision : 18-10-2010

Acts Referred:

Citation : (2010) 10 SHI CK 0223

Hon'ble Judges : Kurian Joseph, C.J;Kuldip Singh, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The Corporation has come in appeal against judgment, dated 30.6.2010, passed in CWP No. 1 748 of 2009. The issue pertains to appointment on compassionate ground. The writ petitioner approached this Court with the grievance that even after a period of about 8 years of premature retirement of his father on medical grounds, the application for appointment on compassionate ground has not been considered. The Corporation took the stand before the learned single Judge that it was awaiting the response of the Government. It was also submitted that there are 20 persons above the writ petitioner. The learned Single Judge, however, disposed of the writ petition directing the Corporation to grant appointment to the petitioner in terms of recommendation of Screening Committee of the Corporation, Annexure P-16 and holding that the Government permission is not necessary, being an autonomous body.

2. We are afraid the stand taken by the learned Single Judge does not reflect the correct legal position. The Government has in fact addressed all the departments and autonomous bodies vide letter dated 21.3.2005 that the appointment on compassionate ground can be granted only after approval of the Government. That apart, the factual position of those 20 persons above the petitioner in the respective categories is not clear. According to the petitioner, his father is bedridden for the last eight years and the children could not be given even education for want of any income and therefore, his case requires special

consideration. Since the matter is now pending before the Government, we dispose of the appeal as follows:

The impugned judgment is set aside. There will be a direction to the Government to take a final decision in the matter of appointment on compassionate ground in accordance with law and justice within a period of three months from the date of production of a copy of the judgment. In case, the petitioner requests for an opportunity of hearing, the same shall also be given to him. The contentions advanced by the writ petitioner shall be adverted to by the Government while passing the order.