



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No. 538 of 2023

Decided on: 21.3.2023

Anoop Kumar.

.....Petitioner.

Versus

State of H.P. & Ors.

.....Respondents.

Coram

The Hon'ble Ms. Justice Sabina, *Acting Chief Justice.*

The Hon'ble Mr. Justice Satyen Vaidya, *Judge.*

Whether approved for reporting?¹

**For the petitioner : Mr. Lalit Kumar Sehgal,
Advocate.**

**For the respondents : Mr. Rakesh Dhaulta, Additional
Advocate General, for
respondents No. 1 & 2.**

Sabina, Acting Chief Justice *(Oral)*

Petitioner has filed the petition under Article 226 of
the Constitution of India, seeking following substantive reliefs:

¹ ***Whether the reporters of the local papers may be allowed to see the Judgment?***

- “i) That the impugned orders dated 06.04.2022, rejecting the case of the petitioner for compassionate appointment on the ground of income may kindly be declared as illegal, arbitrary, harsh, unconstitutional and in violation of Principles of Natural Justice, legitimate expectation & public policy and may kindly be quashed and set aside.*
- ii) That the respondents may kindly be directed to re-consider the case of the petitioner for compassionate appointment and further directed to give the appointment to the petitioner on compassionate grounds in the interest of justice and fair play.*
- iii) That the respondents may kindly be directed to revise and to enhance the income criteria notified in the year 2019 and further to re-consider the case of the petitioner accordingly, in the interest of justice and fair play.”*

2. We have heard learned counsel for the petitioner and have gone through the record available on file carefully.

3. Father of the petitioner was working with the respondent-Council as a Chowkidar. Father of the petitioner died while in service on 02.11.2022. The mother of the petitioner moved an application on 08.06.2021 requesting the respondent-Council to offer appointment to the petitioner on

compassionate basis. Vide impugned order dated 16.4.2022, the case of the petitioner for his appointment on compassionate basis was rejected.

4. Order dated 16.4.2022 reads as under:-

"Kindly refer to your letter No. MCU/Sthapana/2021-3226 dated 23.12.2021 on the subject cited above.

In this context, it is informed that the case of compassionate appointment so received vide your above quoted letter in respect of Sh. Anoop Kumar S/o late Sh. Jagdev Singh, Chowkidar, MC Una has been examined under the revised policy for providing compassionate employment and it has been found that as per income certificate issued by Tehsildar Una, total Income of the family of Sh. Anoop Kumar S/o late Sh. Jagdev Singh, Chowkidar, MC Una is Rs. 2,68,644/- per annum, which exceeds the maximum ceiling of total family income criteria for employment on compassionate grounds as per provisions made under para 12 of the Revised policy for providing compassionate employment guidelines. The maximum ceiling of total family income to assess indigency has been fixed at Rs. 2,50,000/-. Therefore, as per the provisions made under para 12 of the Revised policy for providing compassionate employment guidelines, applicant is not eligible for employment assistance on compassionate grounds,. Accordingly, the compassionate appointment case of Sh. Anoop Kumar S/o late Sh. Jagdev Singh, Chowkidar, MC

Una is returned herewith (in original) for further necessary action."

5. Thus, the case of the petitioner was rejected on the ground that total family income of the petitioner exceeded the maximum income limit provided under the relevant policy. Learned counsel has failed to point out any factual error in the impugned order dated 16.4.2022. Since the case of the petitioner did not fall within the relevant policy for his appointment on compassionate basis due to income criteria, the respondents had, thus, rightly rejected the claim of the petitioner for his appointment on compassionate basis.

6. Dismissed.

7. Pending miscellaneous application(s), if any, shall also stand disposed of.

(Sabina)
Acting Chief Justice

(Satyen Vaidya)
Judge

March 21, 2023
(vs)