IN THE HIGH COURT OF HIMACHAL PRADESH
AT SHIMLA

CWPOA No. 3837 of 2020
Decided on: 29.10.2026.

Dixit .... Petitioner

Versus

State of Himachal Pradesh and others.

.... Respondents

Coram :
Hon'ble Mr. Justice Ranjan Sharma, Judge

[1] *Whether approved for reporting?*

For the petitioners: Mr. Nimish Gupta, Advocate.

For the respondents: Mr. Gautam Sood, Deputy Advocate General.

Ranjan Sharma, Judge :

Petitioner had filed an original application No. 208 of 2018 before Learned State Administrative Tribunal, and upon abolition of the tribunal, the matter has been transferred to this Court as CWPOA 3837 of 2020, seeking the following relief(s).

(A. That the respondents may be directed to consider the case of the applicant for providing employment assistant/ appointment on compassionate grounds, keeping in view his academic qualification, in view of the fact that his father has died in harness, in a time bound manner.

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[1] *Whether reporters of Local Papers may be allowed to see the judgment?*

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(2026:HHC:47545)

FACTUAL MATRIX:

2. Grievance is that his father died during service on 17.02.2015 and the petitioner being eligible and having no source of income, applied for compassionate appointment. It is averred that the Patwari Patwar Circle Chamba had issued an incorrect Income Certificate on 13.01.2017, by including the valuation of the house as part of income of the family, which is improper. It is averred that the claim of the petitioner was rejected on 18.03.2017 [Annexure A-2], on the ground that maximum permissible annual income of the family was Rs. 1,25,000/-, whereas the income of the petitioner and his dependent family exceeded the required income limit and therefore, the case of the petitioner was rejected for compassionate appointment. Feeling aggrieved against the rejection order dated 18.03.2017 [Annexure A-2], the petitioner obtained fresh statement of immovable property as per Annexure A-3. Thereafter, petitioner submitted a representation to Conservator of Forests, Chamba, on 01.11.2017 [Annexure A-4] requesting to reconsider his case for compassionate appointment in view of the fresh statement of income. It is averred that in similarly placed eventualities, this Court had passed a

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judgment on 28.08.2012 in CWP No. 9965 of 2011, titled as **Vikas Kumar versus State of Himachal Pradesh and others,** whereby, directions were issued to consider the case of the petitioner therein, in case the post was vacant and petitioner therein, was eligible for compassionate appointment. It is in this backdrop that the rejection order dated 18.03.2017 [Annexure A-2] has been assailed, on the ground, that due to subsequent events, since the petitioner falls within the income criteria, therefore, his case may be reconsidered for compassionate appointment, in a time bound manner.

STAND OF STATE AUTORITIES:

3. Upon issuance of notice on 11.01.2018, the State Authorities filed the Reply-Affidavit dated 20.03.2018 of Conservator of Forests, Chamba. Reply-Affidavit indicates that the income of the family of the deceased Government Employee has been found to be Rs. 2,71,320/-, which exceeded the income limits and as per Government Instructions issued on 18.07.2014 and therefore, the petitioner was not eligible and his case was validly rejected by the respondents.

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3(i). Reply-Affidavit further indicates that the petitioner has submitted his case afresh and the matter has been submitted to Additional Chief Secretary (Forests) by Principal Chief Conservator of Forests vide letter dated 08.02.2018 along with relevant papers/documents,\ but the approval of the Government in the instant case is still pending.

4. However, sequel to order dated 03.06.2022, State Authority have placed on Instructions dated 09.06.2022 [at page 63 of paper book] to assert that even Divisional Forest Officer, Chamba, has returned the case to the petitioner on 16.09.2019.

5. Upon listing of the case today and on query by this Court, Learned Counsel for petitioner is not in a position to answer as to whether, the petitioner has resubmitted the case, which was returned on 16.09.2019 and re-submitted case is still pending or not, as on day.

6. At this stage, Learned Counsel for the petitioner on Instructions, states that the petitioner shall be satisfied, in case, the Respondents are directed to consider/examine the claim of the petitioner, if the resubmitted case or fresh

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case, if any, is pending in a time bound manner [Statement taken on record].

7. Per contra, Learned State Counsel submits that in case, the petitioner had resubmitted the case, pursuant to communication sent to him by Divisional Forest Officer, Chamba on 16.09.2019 and in case, any such case or a fresh case is still pending, in that event, the State Authorities shall examine and take appropriate decision in accordance with the applicable norms/schemes/policy expeditiously.

DIRECTIONS:

8. Considering the statement made by Learned Counsel for the petitioner and leaving all questions open, this Court, disposes of the instant petition, in the following terms.

(i) In case, the returned case as in communication dated 16.09.2019 is resubmitted or a fresh case for compassionate appointment has been submitted; the State Authorities shall examine/consider the case of the petitioner for compassionate appointment in accordance with the applicable norms/schemes/policy expeditiously; and not later than two months from today;

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(ii) Upon consideration, in case the petitioner is found eligible and otherwise entitled for compassionate appointment in accordance with the applicable norms/scheme/policy, the State Authorities shall take consequential action thereafter in accordance with law within the above period;

(iii) This Court, has not adverted to the rival claims/contentions of the parties, which are left open to be examined/ considered by the State Authorities, in accordance with law;

(iv) Parties to bear respective costs.

9. In aforesaid terms, the writ petition and all pending miscellaneous applications, if any, shall stand disposed of, accordingly.

(Ranjan Sharma)
Judge

October 29, 2026
(Anita)

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