

(2024) 11 SHI CK 0062

High Court Of Himachal Pradesh

Case No: CWP No. 13698 Of 2024

Anita

APPELLANT

Vs

State Of H.P. & Others

RESPONDENT

Date of Decision: Nov. 27, 2024

Hon'ble Judges: Jyotsna Rewal Dua, J

Bench: Single Bench

Advocate: Vikrant Chandel, Y.P.S. Dhaulta, Anil Kumar

Final Decision: Dismissed

Judgement

Jyotsna Rewal Dua, J

1. Smt. Shankuntla, petitioner's mother was serving as Peon with the respondent-Board. She died in harness on 29.10.2009. Smt. Shankuntla was survived by her two daughters including the petitioner. Both the daughters are married. Petitioner is presently aged 46 years and is statedly having children of her own.

Petitioner applied for employment on compassionate grounds on 31.08.2022. The respondent-Board rejected her case as time barred vide order dated 09.04.2024, hence, this writ petition.

2. Heard learned counsel for the petitioner and considered the case file.

3(i) It is an admitted position that at the time of death of petitioner's mother, Compassionate Employment Policy dated 19.06.1990 was in force.

As per Clause 8 thereof, request for grant of employment assistance on compassionate grounds was to be made within three years of the death of

Government servant. In case, where none of the sons/daughters of the deceased Government servant were major at the time of death of Government

servant, the time limit for receipt of request for employment was to be attainment of 21 years of age by the eldest son/unmarried daughter. No

relaxation was to be allowed in entertaining the requests beyond the above age except in cases coming from difficult areas as described in the

Transfer Policy.

3(ii) The time limit for submission of application for compassionate appointment was amended by the State on 07.03.2019 & adopted by the

respondent-Board on 03.07.2019. As per Clause 9 of the office memorandum dated 07.03.2019, request for employment assistance could be made

within 4 years of the death of Government servant. In cases where none of the sons/daughters of the deceased Government servant were major at

the time of death of the Government servant, time limit for receipt of the request for employment assistance was to be the attainment of age of 22

years by the eldest son/un-married daughter.

3(iii) Vide office memorandum dated 18.05.2022, State of Himachal Pradesh decided to provide compassionate employment/assistance to married

daughter(s). It was decided that married daughter(s) would also be eligible for compassionate appointment in case the family of the deceased

Government employees had only daughter(s) and none in both the families i.e. her parental family and the family into which she was married, were in

an employment funded by the Government. As regards income criteria for married daughter(s), income of the parental family was to be taken into

account to determine indigency.

3(iv) Subsequent to issuance of office order dated 18.05.2022, the petitioner applied for employment on compassionate grounds on 31.08.2022.

Petitioner's application was required to be rejected and has been justly rejected by the respondents vide impugned order dated 09.04.2024. Petitioner

with 15.04.1977 as her date of birth was 32 years old, when her mother died on 29.10.2009. It is not her case that she had moved the application

seeking employment assistance at the relevant time. Petitioner is now aged 47 years, happily married having children of her own. Simply because

respondents have come up with an office memorandum on 18.05.2022 providing compassionate employment to the married daughter(s) of the

deceased Government servant, will not ipso-facto mean that petitioner's case for employment on compassionate ground is to be considered

irrespective of the period that has gone by from the date of death of her mother and also in disregard to the other parameters. Office memorandum

dated 18.05.2022 is an enabling provision for giving employment on compassionate grounds to the married daughter(s) of deceased Government

servant in certain situations. Mere fact of applicant being the married daughter of the deceased Government servant does not bestow upon her a right

to be employed on compassionate grounds. Such employment assistance is to be rendered in deserving cases, which fulfill the parameters laid down in

the Compassionate Employment Policy. The main objective in providing such employment assistance is to ensure that the family of the deceased

Government servant is relieved from financial destitution and indigent circumstances.

4. In the instant case, where 15 years have gone by from the date of death of deceased Government employee on 29.10.2009, where the petitioner

has applied for employment on compassionate grounds on 31.08.2022; and where in the interregnum the petitioner aged 47 years has got married and

has children of her own, the impugned order rejecting petitioner's representation seeking compassionate employment cannot be faulted. The

reasoning given by the respondents in the impugned order rejecting the case of the petitioner being time barred calls for no interference. Accordingly,

the instant petition is dismissed. Pending miscellaneous application(s), if any, also stand disposed of.