

IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

CWP No. 3833 of 2014

Date of Decision: 21.09.2026.

Bheem Dutt ...Petitioner.

Versus

State of H.P. & others ...Respondents.

Coram:

The Hon'ble Mr. Justice Ranjan Sharma, Judge.

Whether approved for reporting?¹ No.

For the petitioner : Ms. Kamlesh Shandil, Advocate.

For the respondents : Mr. V. S. Kanwar, Advocate.

Ranjan Sharma, Judge:

Petitioner, Bheem Dutt, had filed instant writ petition, seeking the following relief:-

“That a writ in the nature of mandamus may kindly be issued directing the respondent department to give appointment to the petitioner on the post of peon/any Class IV post, in the respondent department on the regular basis.”

FACTUAL MATRIX:

2. Case, as set up, by Learned Counsel is that the petitioner, had claimed compassionate appointment, upon death of his late father, Sh. Hari Dutt, by submitting an

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

application in June 2011. This application was received by the Respondent No. 2-Himachal Pradesh State Electricity Board from Joint Secretary [Power] during October 2011. It is averred that the claim of the petitioner was processed, but since the family of the deceased had been paid an amount of Rs. 7,18,265/- under various welfare schemes, therefore, the indigent circumstances were not made out and after the issuance of Amended Employment Assistance Scheme on 16.02.2013 [Annexure R-A2], she again applied for compassionate appointment but case of the petitioner was not taken to the logical end, with the plea that the income parameters prescribed eligibility for a family consisting of four members to be Rs. 75,000/- per annum, whereas, the income of the dependent family turned out to be Rs. 1,30,080/- per annum from pension alone, besides income from other sources and, therefore, the case of the petitioner for providing employment was not held to be covered and not maintainable also. In this background, the petitioner was filed with the plea that the computation of retiral benefits due to the deceased cannot form basis for not considering her claim preferred long back in 2011, with the prayer to consider her claim for compassionate employment.

STAND OF RESPONDENT BOARD IN REPLY:

3. Respondent Board has filed a Reply Affidavit by denying the claim primarily on the ground of income criteria.

REBUTTAL BY PETITIONER:

4. Petitioner has filed rejoinder, denying the stand in the reply.

SUBSEQUENT EVENTS:

5. Upon listing of the matter today, Learned Counsel for the petitioner, places reliance on Office Memorandum dated 01.07.2026 [*Taken on record*], which enables the dependents of deceased employee for consideration of his/her case for compassionate appointment, as a one-time measure, where cases stood rejected earlier or where the same were pending with the Authorities. Learned Counsel for the petitioner further submits that since no formal rejection order has been passed nor conveyed and even no such rejection order is borne out from the Reply Affidavit, therefore, the case of the petitioner deserves to be examined, in the light of Office Memorandum dated 01.07.2026 [*supra*].

STATEMENT BY LEARNED COUNSEL FOR PETITIONER:

6. In view of Office Memorandum dated 01.07.2026, Learned Counsel, on Instructions of petitioner, submits that

petitioner would be satisfied, in case, his claim is considered/examined in view of non fulfillment of Office Memorandum. [*Statement taken on record*].

7. *Per contra*, Learned Counsel for the Respondent-Board submits that subject to the fulfillment of eligibility and other parameters under the existing policy/ norms, the claim of the petitioner shall be examined and appropriate orders shall be passed in light of Office Memorandum dated 01.07.2026 [*supra*].

DIRECTIONS:

8. Considering the statement made by Learned Counsel for the petitioner and without going into merits and leaving all questions Open, this Court disposes of the instant petition, in the following terms:

- i) Respondent No. 2-Board shall examine/ consider the case of the petitioner for compassionate appointment in terms of Office Memorandum dated 01.07.2026 [*supra*], subject to its adoption/ applicability; and subject to fulfillment of parameters and other conditions, spelt out in existing policy and the OM, as referred to above;

- ii) Respondent No. 2-Board shall afford a personal hearing to the petitioner, before passing speaking order, which shall be passed not later than 05.11.2026;
- iii) Upon consideration, in case, the claim is accepted, then, necessary resultant action shall entail prospectively;
- iv) Needless to say, that this Court has neither adverted to merits of the case nor the eligibility or entitlement of the petitioner in any manner, which shall be examined by the Respondents, in accordance with law;
- v) Parties to bear respective costs.

In aforesaid terms, the instant petition and all pending applications are disposed of.

(Ranjan Sharma)
Judge

21st September, 2026.
(kck)