

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.6565 of 2024
Decided on : 23.07.2026

Karanvir Singh

...Petitioner

Versus

State of Himachal Pradesh and others

...Respondents

Coram

Hon'ble Mr. Justice Jiya Lal Bhardwaj, Judge

*Whether approved for reporting?*¹

For the petitioner: Mr. P.D. Nanda, Advocate.

For the respondents: Mr. Amit Kumar Chaudhary,
Deputy Advocate General, for
respondent No.1-State.

Mr. Raman Jamalta, Advocate, for
respondents No.2 & 3.

Jiya Lal Bhardwaj, Judge (Oral)

The petitioner by way of present petition has laid challenge to the communication dated 23.01.2023 (Annexure P-4), whereby his candidature for employment under kith and kin policy has been rejected, due to non Bonafide Himachali.

2. It is not in dispute that the father of the petitioner was working as a Driver with respondent No.2-

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

Corporation on regular basis and expired on 11.08.2011, while in service. Thereafter, the petitioner had applied for compassionate appointment on 29.02.2012 for the post of Conductor and his case was placed in the waiting list of Class-III (unscreened cases) under the Kith and Kin Policy along with other eligible applicants. His case for compassionate appointment came to be rejected only on the ground of being non-Himachali.

3. The issue with respect to the employment on compassionate grounds in case of non-Himachali had come for consideration before the Hon'ble Division Bench of this Court in CWP No. 4304 of 2023, titled, **Sandeep Kaur versus State of H.P. & others**, which petition was allowed on 26.07.2023 and it was held that that as per Article 16(2), of the Constitution of India, no citizen can be discriminated on the basis of residence. Therefore, insisting to produce such a certificate, when it is undisputed that a person is an Indian citizen, cannot be countenanced and hence directed the respondents to provide compassionate appointment to the petitioner in the said case.

4. The respondents have now filed reply to the petition and averred that the competent authority has taken

a decision to screen the petitioner's case afresh and he has been requested vide letters dated 06.06.2026 and 06.07.2026 to furnish fresh and requisite documents for consideration of his claim. As per the communications referred to above, respondent No.2-Corporation is asking for the fresh income certificate, fresh non-employment certificate, fresh character certificate and copy of PPO number.

5. I have heard the learned counsel for the parties and also perused the record carefully.

6. Once respondent No.2-Corporation has not disputed the fact that the case of the petitioner is fully covered by the decision rendered by the Hon'ble Division Bench of this Court in **Sandeep Kaur's** case (supra) and further respondent No.2-Corporation has also admitted in the reply that, the Board is considering the claim of the petitioner for appointment on compassionate grounds, the requirement of asking for fresh documents as per communications dated 06.06.2026 and 06.07.2026 is nothing, but an attempt to unnecessarily delay the process of appointment, more particularly when the petitioner had filed the writ petition before this Court on 08.07.2024. No

doubt, the person, who is offered the appointment, has to furnish the character certificate, but that can be procured from the person after offering the appointment, as is being done in other cases, where after the offer of appointment, the person is asked to furnish the required/requisite certificates.

7. It is not the case of the respondents that they were not aware about the judgment passed by this Court in **Sandeep Kaur's** case (supra), which has been passed on 26.07.2023. The petitioner thereafter, had approached this Court on 08.07.2024, and more than 2 years had elapsed and respondent No.2-Corporation has recently written the letters to the petitioner asking him to furnish the certificates, which otherwise was not required to be done and it seems that it has been done just to cover up the delay in considering the case of the petitioner for offering him appointment on compassionate grounds.

8. Consequently, the present petition is allowed and the impugned communication dated 23.01.2023 (Annexure P-4) is quashed and set aside and respondent No.2-Corporation is directed to offer appointment to the petitioner within three months from today. In case, he is not

offered appointment within three months from today, respondent No.2-Corporation shall pay the salary to the petitioner from the month of August, 2026, till he is offered appointment. No order as to costs. Pending applications, if any, also stand disposed of.

23rd July, 2026

(Anurag)

**(Jiya Lal Bhardwaj)
Judge**