

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CMP(M) No.1290 of 2026
and LPA No. 473 of 2026
Decided on : 13.08.2026

Dr. Y.S. Parmar University of Horticulture and Forestry Nauni and Anr.

...Appellants

Versus

Raju

...Respondent.

Coram

Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.

Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?¹

For the appellants : Mr. Ramesh Sharma, Advocate.

G.S. Sandhawalia, Chief Justice (Oral)

CMP(M) No.1290 of 2026

Keeping in view the averments made in the application, duly supported by an affidavit of the official, delay of 68 days in filing the appeal is condoned.

The application stands disposed of

LPA No.473 of 2026

By way of the present appeal, challenge has been laid to the impugned order passed by the learned Single Judge, in ***CWPOA No.7005 of 2026, titled Raju Vs. Dr. Y.S. Parmar University and Anr.,*** dated 11.05.2026, whereby

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

directions had been issued to the appellant-University to consider the claim of the petitioner for appointment on compassionate grounds and offer him appointment from the date when the dependents of others had been offered appointment, who died after the father of the petitioner with all consequential benefits.

2. The learned Single Judge, however, had not granted the monetary benefits from the said date, but only from the date of passing of the order, and had directed to consider the past service for the purpose of seniority. In the event of default, the petitioner would be entitled to interest at the rate of 6% per annum from the passing of the said order i.e., from 11th May, 2026, till its payment.

3. Learned Single Judge had passed the affirmative order on the ground that since the material had been placed on record that as many as 47 persons were offered appointment on compassionate grounds even on Class-IV posts, and, therefore, the action of the respondent-University in denying compassionate appointment on the ground that they had surplus posts, as per the order dated 04.11.2015 (Annexure A-5), which was the subject matter of challenge, was held to be not justified.

4. The learned Single Judge had accordingly noticed that the death took place as such of the employee-Jagdish Singh father of the petitioner, who was working as a Junior Technician, on 07.01.2014 and, who had been working in the University since 1982. After his death, an application was filed for compassionate appointment on 11.09.2014 (Annexure A-4), which was apparently rejected on 04.11.2015 on the ground that there was surplus staff in Class-IV posts and therefore, the case would not be considered on merits.

5. Learned counsel for the appellants has now tried to submit that the respondent as such was not even eligible, and as per the policy of compassionate appointment, the indigence as such had to be assessed. The said argument is without any basis. The rejection was never on the ground as such on account of the fact that family was not indigent, and the representation had never been decided on merits as such, but was rejected on the ground that there was surplus staff.

6. Therefore, in view of the law laid down in ***Mohinder Singh Gill v. Chief Election Commr., (1978) 1 SCC 405***, the respondent cannot seek to improve their case, as the basis of the order as such was that there was surplus staff and many of them had been sent to other departments.

The said order had then been challenged by filing the Original Application before the erstwhile State Administrative Tribunal, and thereafter on its abolition, the case had been transferred to this Court.

7. It had transpired as such that the University had employed 47 persons on compassionate basis as per the information given under the Right to Information Act, 2005. The applicant had applied for the same on 13th October 2025 (Annexure P-8) and the application for placing the same on record had been filed on 21.11.2025. The University had made no effort to controvert the same before the learned Single Judge. Perusal of the same would go on to show that appointments had been made from 09.06.2014, steadily over the years by University, without any break as such, except in the years 2020 and 2021 (the COVID-19 period). The last appointment was made on 24.01.2023 and in such circumstances, the stand as such of the University-appellant is totally belied from the record, and the learned Single Judge has rightly allowed the writ petition on the ground that it would be a clear-cut case of violation of Article 14 of the Constitution of India, when, on one hand, the University has been steadily employing persons on compassionate grounds but taking a

different stand as such in the case of the applicant that they have surplus staff, and therefore, he cannot be considered for appointment.

8. In such circumstances, keeping in view of the fact that the employee had died more than a decade back, affirmative directions have been issued in order to redress the grievances of the petitioner. The very purpose of compassionate appointment is to provide immediate relief to the family, who has lost the breadwinner, and in such circumstances, the University, apparently has applied the policy of compassionate appointment selectively in the case of the applicant.

9. Thus, we are of the considered view that the learned Single Judge has not erred in any manner in allowing the writ petition and we do not find any plausible reason to take a different view. Resultantly, the Letters Patent Appeal, being devoid of any merit, is dismissed. Pending applications, if any, also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

13th August, 2026
(Gaurav Rawat)