

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.**LPA No. 448 of 2026****Date of decision: 04.08.2026**

Amrik Singh

...Appellant

Versus

State of H. P. & Anr....Respondents

Coram

The Hon'ble Mr. Justice G. S. Sandhawalia, Chief Justice.***The Hon'ble Mr. Justice Bipin C. Negi, Judge.****Whether approved for reporting?***For the Appellant:**Mr. Subhash Sharma, Senior Advocate
with Mr. Prantap Sharma, Advocate.**For the Respondents:**Mr. Varun Chandel, Additional
Advocate General.

G. S. Sandhawalia, Chief Justice (Oral)

Reconsideration is sought of the judgment passed by the learned Single Judge, who in detail, has dealt with the history of the case, which is pertaining to the reliefs persistently being sought for appointment on compassionate basis.

2. While dismissing **CWP No. 3050 of 2020**, titled as **Amrik Singh vs. State of H.P & Anr.**, on 21.05.2026, filed by the present appellant, the learned Single Judge had been constrained to observe that since the father of the petitioner had retired way back on 31.08.1990, it would not be

appropriate at this stage to give directions to the respondents to offer appointment, as the writ petitioner had already crossed 50 years of age. It was also noticed that the father of the petitioner had taken voluntary retirement on medical grounds and not being dependent of the deceased, who had died in harness, the family had been surviving after the voluntary retirement of the father of the petitioner since 1990. The factum that the brother of the petitioner is employed in Punjab State Electricity Board as Class-IV employee was also noticed. Resultantly, the learned Single Judge had declined to grant any relief to the petitioner.

3. Learned counsel for the appellant has pointed out that in the first round of litigation in **CWP(T) No. 4633 of 2008**, the learned Single Judge of this Court had directed reconsideration and quashed the order passed by the State, which was based on the ground that new policy had come into force and the elder brother of the petitioner was in government service and employment to the next family members of the deceased could not be given. It was also noticed that the father of the petitioner had put in 25 years, 11 months and 28 days and he suffered permanent disability during service and had voluntary retired on 31.08.1990.

4. Resultantly, the appellant had applied for compassionate appointment in July, 1991 which had led to the rejection and directions were issued for reconsideration by passing a speaking order on 28.07.2009 (Annexure P-1).

5. Rejection order had then been passed on 15.02.2016, which again had been challenged by filing **OA No. 1374 of 2016**, whereby again direction was issued by the then Himachal Pradesh Administrative Tribunal to reconsider the case of the applicant.

6. Another rejection order came on 24.07.2018 (Annexure P-4) on the ground that it was not feasible to concede to the request and it was accordingly rejected. In **OA No. 4828 of 2018**, directions were reiterated for reconsideration on 24.04.2019.

7. Keeping in view the earlier orders, the Director again took into consideration that there was one member of the family working and there was a clause as such that assistance could not be provided to the second or the third member of the family by passing order dated 08.01.2020 (Annexure P-7). Accordingly, it lead to the filing of the **CWP No. 3050 of 2020**, which is now having been dismissed by the learned Single Judge on 21.05.2026 and, thus, the appeal.

8. We are of the considered opinion that for the last more than 30 years, the petitioner has been fighting for appointment on compassionate basis. It would also be clear from the communication (Annexure P-2) that apparently after the father of the petitioner had retired, the application, which had been filed in 1991 was returned on 24.04.1997 as rejected as not falling within the parameter of the policy. However, the applicant has again raised the issue of appointment on account of the fact that an order for reconsideration had been passed on 28.07.2009. Apparently, a huge time gap has gone by and the matter was kept alive by the present appellant by repeatedly approaching the Courts.

9. The basic purpose of providing compassionate appointment is to provide support to the family at the point when the government employee die unexpectedly. Nothing could be brought to our notice that there was any such provision that the benefit could be granted to a person, who had served 25 years, 11 months and 28 days and had taken voluntary retirement and his family members could be given compassionate appointment.

10. In ***Umesh Kumar Nagpal vs. State of Haryana and Others, reported in (1994) 4 SCC 138***, it has been held that delay would be fatal to the cases of compassionate

appointment, as it meant to provide immediate succor to the family.

11. Keeping in view the over-all principles as such and the fact that dealing with the government employee, who had taken voluntary retirement on 31.08.1990, we are not in a position to take a view contrary to the learned Single Judge that any positive directions should be issued for re-consideration on compassionate appointment at this stage when the appellant has already crossed the age of 50 years and would not even have pensionable service, even if the person is to be appointed.

12. In such circumstances, the whole purpose as such for compassionate appointment is wasted away during these years and it is hard to believe that the appellant is not in a position to maintain himself at the age of 50-52 years.

13. The present appeal is dismissed, so also pending applications, if any.

(G. S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

4th August, 2026
(sanjeev)