IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Ex. Petition No.933 of 2025
Decided on: 26.10.2026

Savita Bibi

...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. Suneel Awasthi, Advocate.

For the respondents: Mr. Amandeep Sharma, Additional Advocate General for respondent No.1-State.

Mr. Shrawan Dogra, Senior Advocate with Mr. Deepak Sharma, Advocate, for respondents No.2 and 3.

Jiya Lal Bhardwaj, Judge (Oral)

The petitioner by way of present petition is seeking implementation of the judgment dated 11.03.2025, passed in CWP No.8761 of 2022, titled, ***Smt. Savita Bibi vs. State of Himachal Pradesh and Ors.***

2. The operative part of the judgment reads as under:-

> *"12. Consequently, in view of the above, present petition is allowed with a direction to the respondents to consider the case of the petitioner afresh in terms of policy in*

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

> *vogue at the time of death of husband of the petitioner, expeditiously, preferably, within two months. In case petitioner is found to be eligible for compassionate appointment on regular basis, she shall be given regular appointment from the due date alongwith all consequential benefits. In the aforesaid terms, present petition is disposed of alongwith pending applications, if any."*

3. The precise grouse of the petitioner is that after the direction given by this Court in the judgment, which is sought to be executed, the respondents were required to offer appointment to the petitioner on regular basis, instead of offering her appointment as Peon on daily wage basis, as was done earlier while issuing the appointment order in her favour on 17.03.2022.

4. The respondents-Corporation after the decision passed by this Court on 11.03.2025 has taken a decision vide office order dated 31.10.2025, in which it has been mentioned that as per the instructions dated 10.11.2008, a ceiling of 5% of Class-IV posts was prescribed for compassionate appointments and no appointments could be made in excess of this quota. The petitioner was entitled to be considered for compassionate appointment on contract basis at the time of death of her husband, but there was no vacancy available at that time for such appointment as on

29.05.2018, when the husband of the petitioner died. The Government of Himachal Pradesh vide OM No. Fin-F(A)-(16)-1/2013 dated 24.01.2022 had relaxed this ceiling and allowed appointments on daily wage basis with the aim of mitigating hardship faced by bereaved families.

5. Learned senior counsel representing the respondents-Corporation vehemently argued that since the petitioner was not falling within the ceiling of 5% of Class-IV posts, which were prescribed for compassionate appointment, the petitioner could not have been offered the appointment and she has been offered the appointment on daily wage basis only after the issuance of the office memorandum dated 24.01.2022.

6. Learned senior counsel representing the respondents-Corporation has further argued that in case the claim of the petitioner has to be considered as on the date of death of her husband on 29.05.2018, she is not even entitled to get the appointment on daily wage basis, since the Government of Himachal Pradesh had taken the decision on 24.01.2022 to relax 5% ceiling to offer the appointment on compassionate grounds. Therefore, in view of the aforesaid circumstances, the respondents-

Corporation instead of recalling the order dated 17.03.2022, when the petitioner has been offered the appointment on daily wage basis has not disturbed the same.

7. The submission made by learned senior counsel deserves acceptance for the reason that as per 5% ceiling to offer the appointment, name of the petitioner could not have been considered prior to 24.01.2022.

8. A perusal of the operative part of the judgment, which has been quoted hereinabove reveals that the respondents were directed to consider the case of the petitioner afresh in terms of the policy in vogue at the time of death of her husband. Once the respondents-Corporation has taken a decision on 31.10.2025 as per the policy, which was prevalent on the date of death of husband of the petitioner, when there was no post to be filled up and further the name of the petitioner was not falling in the ceiling of 5% Class-IV posts and she has been offered the appointment only after the subsequent office memorandum dated 24.01.2022, the mandate contained in the judgment which is sought to be executed has duly been complied with and the petitioner if aggrieved by the order dated 31.10.2025, passed by the Managing Director, HRTC, Shimla

is at liberty to assail the said order.

9. It is settled by now that the executing Court while implementing the judgment cannot go behind the decree and, therefore, once the petitioner was not falling within the ceiling of 5% quota as on 24.01.2022 when relaxation was provided to offer the appointment on compassionate ground to the dependents of the deceased to mitigate the hardships faced by the members of the bereaved families, the direction issued by this Court has duly been complied with and as such nothing remains to be adjudicated in the present execution petition and the same is accordingly disposed of as having been fully satisfied. Pending miscellaneous applications, if any, also stand disposed of.

26th October, 2026

(Anurag)

(Jiya Lal Bhardwaj)
Judge