IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.11505 of 2024
Decided on: 09.04.2026

Kuldeep Singh … Petitioner

Versus

The State of Himachal Pradesh and others … Respondents

Coram
Hon'ble Mr. Justice Ajay Mohan Goel, Judge.
Whether approved for reporting?[1]

For the petitioner: Mr. Shivom Vashisht, Advocate.
For the respondents: Mr. Rahul Thakur, Deputy Advocate General.

Ajay Mohan Goel, Judge (Oral)

By way of this petition, the petitioner has, *inter alia*, prayed for the following reliefs:-

> "*i) That a writ in the nature of certiorari may kindly be issued in favour of the petitioner and against the respondents quashing the impugned order Annexure P-5 (Colly) dt 30.06.2021, to the extent it relates to the petitioner, in the interest of justice.*
> *ii) That a writ in the nature of mandamus may kindly be issued in favour of the petitioner directing the Respondents to grant and allow employment assistance on compassionate grounds to the petitioner in the Respondent Department, in the interest of justice*."

2. Brief facts necessary for the adjudication of the present petition are that the father of the petitioner, who was working as a Head Constable with the Police Department, died in harness on 11.10.2013, leaving behind his wife, aged mother, a son and a daughter. It appears that the petitioner was minor at the relevant

[1] *Whether reporters of the local papers may be allowed to see the judgment?*

time and after attaining the age of majority, his cases was considered by the Authority in terms of Annexure P-5 and the same was rejected by assigning the following reasons:-

> "*Applicant family income is Rs.2,88,880/- on 27.07.2019 (i.e family pension Rs.2.88,000/-, agriculture Rs.880/- per annum) and have 04 family members. He does not meet the financial/income criteria as so fixed by the Govt of HP as per instruction dated 07-03-2019 and 01.11.19 Para-12 which provide the following:-*
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> > *The maximum ceiling of total family income to access indigency is fixed as Rs. 2.88,880/presuming a family of 04 persons. Even if the size will still be presumed to 04. If the family members are less than 04, then income of the family would be calculated by multiplying Rs. 62,500/- by the number of family members. Thus, if the family size is 03, the maximum income limit would be Rs. 1,87, 500/- per annum to determine indigency. If family size is 02. the income limit would be Rs. 1,25,000/- per annum.*"

3. Feeling aggrieved, the petitioner has filed the present petition.

4. Learned Counsel for the petitioner argued that rejection of the case of the petitioner is bad in law as the Authorities erred not appreciating that as the father of the petitioner died in the year 2013 and the petitioner, thereafter, applied for appointment on compassionate basis in the year 2017, the Policy prevailing at the relevant time, i.e. at the time of death of father of the petitioner or at

the time for consideration of the case of the petitioner should have been taken note of.

5. On the other hand, learned Deputy Advocate General referred to the reply filed by the State as well as the order passed by the Authority and submitted that when the case of the petitioner was scrutinized, it was the 2019 Policy which was in vogue and as the case of the petitioner was not falling within the parameters laid down in the said Policy because the family income of the petitioner was in excess of the maximum limit prescribed, the case of the petitioner was held to be bad.

6. Having heard learned Counsel for the parties and having carefully gone through the pleadings as well as documents appended therewith, this Court is of the considered view that the impugned order is not sustainable in the eyes of law.

7. It is a matter of record that in the present case the father of the petitioner died in harness on 11.10.2013. It is also clear from the impugned order that the case of the petitioner was rejected by applying the Policy which was in vogue or rather the Policy which was brought into force in the year 2019.

8. Hon'ble Division Bench of this Court in LPA No.797 of 2025, titled State of Himachal Pradesh & another Versus Sarita Devi, decided on 19.11.2025, as also LPA No.48 of 2025, titled State of H.P. and Others Versus Vinod Kumar, decided on 05.03.2026, by placing reliance upon the judgment of the Hon'ble Supreme Court of India, has held that it is the Policy which is in vogue as on the date

of death which is to govern the adjudication of the application for the grant of compassionate appointment and not the subsequent Policy.

9. In light of the said judgments of the Hon'ble Division Bench of this Curt, which are based on the law declared on the issue by the Hon'ble Supreme Court of India, as in the present case the case of the petitioner of grant of compassionate appointment was not considered in light of the Policy which was in vogue as on 11.10.2013, when the father of the petitioner unfortunately died, the impugned order is not sustainable in the eyes of law. It is evident from the perusal of the impugned order that the same was passed taking into consideration the instructions which were issued by the Government, dated 07.03.2019 and 01.11.2019, governing appointment on compassionate basis.

10. Therefore, this petition is allowed. Impugned order dated 30.06.2021 (Annexure P-5 Colly) is quashed and set aside and the respondents are directed to take a fresh call on the case of the petitioner for grant of compassionate appointment within six weeks from today on the basis of the Policy which was in vogue as on 11.10.2013, i.e. the date of the father of the petitioner.

11. The petition stands disposed of. Pending miscellaneous application(s), if any also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

April 09, 2026
(Rishi)