

State of Himachal Pradesh and Others Vs. Mohit

Item No. (S-3)

CMP(M) No.400 of 2026

22.04.2026

Present: Mr. Shrawan Dogra, Senior Advocate with Mr. Tejasvi Dogra, Advocate, for the appellants-State.

CMP(M) No.400 of 2026

Keeping in view the averments made in the application, duly supported by the affidavit of the official, delay of 134 days in filing the appeal is condoned.

2. The application stands disposed off accordingly.

LPA No.221 of 2026

3. *Inter alia* contends that the Apex Court in ***State of Madhya Pradesh and others Vs. Ashish Awasthi (2022) 2 SCC 157*** has held that the policy prevalent at the time of death of the deceased employee only is required to be considered and not the subsequent policy.

4. The learned Single Judge had directed the subsequent policy to be taken into consideration to grant the benefit of compassionate appointment. It is further pointed out that the date of death of employee who was working on contract basis was 19.07.2009 and the application for appointment was only filed in the year 2020 on attaining the age of majority. The subsequent amendment whereby the benefit was given to the

contractual employees was only incorporated on 04.09.2012 (**Annexure P-7**) and the benefit has been accorded by the learned Single Judge.

5. Reliance is also placed upon the judgment of this Court in **LPA No.797 of 2025**, titled **State of Himachal Pradesh & another Vs. Sarita Devi**, decided on 19.11.2025, wherein the view laid down in **Ashish Awasthi's** case (supra) has been followed.

6. Issue notice to the respondent, returnable within four weeks, on taking steps within one week.

7. Till further order, the operation of the impugned judgment shall remain stayed.

8. Accordingly, the proceedings are deferred for **24.06.2026**.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

22nd April, 2026
(Munish Thakur)