2026:HHC:13524-DB

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No. 159 of 2016

Decided on: 25.04.2026

Sh. Mohan Singh ... Petitioner

Versus

State of H.P. and another ... Respondents

Coram

Hon'ble Mr. Justice Ajay Mohan Goel, Judge.

Whether approved for reporting?[1] ***Yes***

For the petitioner	:	Ms. Kamlesh Shandil, Advocate.
For the respondents	:	Mr. Pushpender Jaswal, Additional Advocate General for respondent No. 1.
	:	Respondent No. 2 *ex parte*.

Ajay Mohan Goel, Judge *(Oral)*

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

> *"(I) That a writ in the nature of mandamus may kindly be issued directing the respondent department to give appointment to the petitioner on any IV-Class post in the respondent department on regular basis."*

2. Brief facts necessary for the adjudication of this petition are that the father of the petitioner, who was serving the respondent-Board as an Assistant Lineman, died in harness on 28.01.2012. He was survived by his wife and two children. The

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

2026:HHC:13524-DB

petitioner being the son of the deceased, applied for appointment on compassionate basis in terms of the policy of the Government.

3. Feeling aggrieved by the fact that the petitioner was not being offered appointment on compassionate basis, he filed the present petition.

4. The respondent-Board has denied the claim of the petitioner by taking a stand that the family of the deceased was not in an indigent position and their annual income was above the maximum limit provided for in the relevant policy governing the appointment on compassionate basis and on this count, appointment has been denied to the petitioner.

5. 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 no relief can be granted to the petitioner in the present case. It is not in dispute that as on the date when the father of the petitioner died, the compassionate appointment policy governing the field, provided the maximum income to be Rs.1.5 Lac from all sources, so as to render the family members of the deceased eligible to apply for appointment on compassionate basis. As this figure of Rs.1.5 Lac was formulated by taking the maximum number of the family members to be four,

2026:HHC:13524-DB

the individual limit per person in terms of the policy was Rs.37,500/-. This is relevant for the purpose of this case, in the light of the fact that the deceased left behind a widow and two children.

6. The petitioner alongwith this petition has appended Annexure P-3, which is the income certificate issued by the Authority dated 24.09.2012, in terms whereof, it is mentioned that the annual income of the family of Smt. Nirmala Devi (widow of deceased-employee), from all sources did not exceed Rs.1.10 Lac.

7. In the reply, the respondents have mentioned the details of the pensionary and terminal benefits, which were released to the family of the deceased after the death of the deceased-employee and are as under:-

“DCRG	:	Rs.2,20,968/-
Family Pension	:	Rs.12220/-
Leave Encashment:		Rs 70354/-
Ex-Gratia	:	Rs. 5000/-
Benevolent Fund	:	Rs.1,00,000/-
GPF Final payment:		Rs.10/”

8. In terms of the preliminary submissions of the reply of the respondents, besides other terminal benefits, actual family pension itself was working out to be Rs.1,46,640/-. There is no

2026:HHC:13524-DB

reason for the Court to disbelieve this figure mentioned in the reply. In terms of the stand of the respondent-Board, if the family income of the family of the deceased was to be disseminated out only on the basis of family pension, then also, it worked out to Rs.1,46,640/- per annum. This is in excess of the criteria fixed by the Government for a family of three members, in terms whereof, the income should have been 37,500x3=1,12,500/-. On this count alone, the petitioner is rendered ineligible to seek appointment under the compassionate policy.

9. If the annual income from the family pension was Rs.1,46,640/-, then it is not understood as to how the Authority issued the income certificate of Rs.1,10,000/- and that too on 24.09.2012, i.e. nine months after the death of the employee. Either this certificate was issued on the basis of incomplete information supplied to the Authority by the family of the petitioner or the other conclusion is that this Rs.1,10,000/- income was in addition to the income from family pension, because by no stretch of imagination, the annual family income of a family which was getting Rs.1,46,640/- approximately as family pension could have been Rs.1,10,000/- per annum. Therefore, the act of the respondents of

2026:HHC:13524-DB

not offering appointment to the petitioner on compassionate basis cannot be faulted with.

Accordingly, in light of the above discussion, as this Court does not find any merit in the present petition, the same is accordingly dismissed. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(Ajay Mohan Goel)
Judge

April 25, 2026
(*narender*)