



**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA** 2026:HHC:32591

**CWP No.11216 of 2024**

**Decided on: 05.08.2026**

Sh.Liyakat Ali

... Petitioner

**Versus**

The State of Himachal Pradesh and another

... Respondents

**Coram**

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

**Whether approved for reporting?<sup>1</sup>Yes**

For the petitioner: Mr. Nishant Khidtta, Advocate.

For the respondents: Mr. Rajpal Thakur, Additional Advocate General.

**Ajay Mohan Goel, Judge** (Oral)

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

*“(i) That the impugned order dated 01.07.2024 (Annexure P-13) may kindly be quashed and set aside.*

*(ii) That the respondents may kindly be directed to consider the case of the petitioner and grant the appointment on compassionate basis after taking into consideration the indigency of the family of the deceased at the time of death/ application as required under law.”*

2. Facts necessary for adjudication of this petition are that the petitioner is aggrieved by rejection of his case for appointment on compassionate basis. Late father of the petitioner died in harness on 17.04.2003 while serving as a "Taru" in the Forest Department of the State. After the death of his father, the petitioner being the eldest son, applied for appointment on compassionate basis on 01.12.2003. The petitioner was called for interview against the post

<sup>1</sup> Whether reporters of the local papers may be allowed to see the judgment?



of Chowkidar and also found fit for the said post. Yet, despite fulfilling the eligibility criteria etc., as he was not offered any appointment on compassionate basis and his case was rejected, he approached erstwhile learned Himachal Pradesh Administrative Tribunal, by way of O.A. No. 5777 of 2017. After abolition of the learned Tribunal the matter was transferred to this Court and re-registered as CWPOA No.3197 of 2020. The petition was disposed of by this Court on 28.04.2022 (Annexure P-9) by setting aside the rejection/ consideration order dated 20.09.2017 and directing the respondents to take a fresh decision on the application of the petitioner for grant of compassionate appointment on the basis of the Policy in vogue at the time of the death of the petitioner's father. In compliance thereto, vide Annexure P-10, the request of the petitioner for the grant of appointment on compassionate grounds was again rejected on the ground that income of the family of the deceased from all sources was assessed at Rs.28,000/- per annum, and therefore, it could not be said that at the time of the death of the deceased (Shri Gulab Deen, father of the petitioner), the family was facing such a level of poverty that there was real hardship. The emoluments paid to the family were also taken into consideration while arriving at this decision.

3,           Feeling aggrieved, the petitioner again approached this Court by way of CWP No. 8155 of 2022, which was disposed of vide order dated 12.03.2024 (Annexure P-12). In terms of this judgment,



the Hon'ble Coordinate Bench allowed the writ petition by holding as under:-

*"10. Leaving everything aside, even as of today financial emoluments received by the family of the deceased employee after his death cannot be taken into consideration with computing the annual income of the applicant, rather only recurring benefits are required to be taken into consideration.*

*11. In view of detailed discussion made herein above, this Court is of the view that since respondents failed to consider the case of the petitioner strictly in terms of policy of year 1990, as has been observed in the earlier part of the judgment, impugned order dated 22.08.2022 (Annexure P10), being contrary to the provision of policy, is not sustainable and as such, same is quashed and set aside with the direction to respondents to consider the case of the petitioner afresh in terms of policy in vogue at the time of death of the father of*

*petitioner as well as observations/ findings returned by this Court in*

*the instant judgment. Since petitioner has been fighting for his rightful claim for years together, this Court hopes and trusts that the needful shall be done by the respondents expeditiously, preferably within a period of six weeks from today. Needless to say, authority concerned, while doing the needful shall afford an opportunity of hearing to the petitioner and pass detailed speaking order."*

4. In compliance thereto, vide Annexure P-13, the request of the petitioner was again rejected. The reasoning given in the impugned order is quoted hereinbelow:-



*“And whereas, as affirmed in aforementioned paras indigent circumstances was only the parameter for considering the cases for appointment on compassionate grounds and the then Pr.CCF (HoFF) & Administrative Department were competent to consider the cases for appointment on compassionate grounds subject to fulfilment of all essential condition and satisfaction as to be indigent circumstances of family of deceased Govt. employee, however, they also rejected the matter on the basis that the family was not facing hardship and comforts of life were not wholly lacking and in response to various representation of Sh. Liyakat Ali department has also considered and rejected the claim of Sh. Liyakat Ali various time earlier.*

*Now, therefore, in view of the above narrated position, the undersigned has re-examined the instant case on the best possible matrix and found that at the time of the death of deceased official, his family was not in indigent circumstances. The income certificate submitted by Sh. Liyakat Ali at the time of expiring of his father has been shown annual income as Rs. 28000/- which was far better to the income of any daily wager engaged at that time who were paid wages rate of Rs. 65/ day during the year 2003-04. Hence, the case of the petitioner is hereby re-considered afresh as per Hon'ble High Court judgment dated 12.03.2024 and as per policy in vonge at the time of death of deceased employee i.e. policy dated 18.01.1990, further clarified vide OM dated 02.09.2002 and rejected.”*

5. I have heard the learned counsel for the petitioner as well as the learned Additional Advocate General and have also



carefully gone through the impugned order.

6. The facts narrated hereinabove are not much in dispute. The case of the petitioner for the grant of compassionate appointment has been rejected by the Competent Authority on the ground that at the time of the death of father of the petitioner, the income of the family from all sources was Rs.28,000/- per annum, which as per the Authority was far better than the income of a daily wager engaged at that time, who was being paid Rs.65/- per day during the year 2003. This is the sole reason on the basis of which the case of the petitioner for grant of compassionate appointment has been rejected, despite the fact that the petitioner was found fit in the interview, reference whereof is given at Page-115 of the Paper-book.

7. When this case was listed on 27.07.2026, the following order was passed by this Court:-

*“Heard for some time. List for continuation on 29.07.2026. Learned Additional Advocate General shall also inform the Court, as to what were the monthly wages of Principal Chief Conservator of Forest, Himachal Pradesh, in the year 2004.”*

8. In compliance thereto, learned Additional Advocate General apprised the Court that the post of Principal Chief Conservator of Forests (PCCF), Himachal Pradesh, at the relevant time was in the pay scale of Rs.24,050-650-26,000/- per month.

9. The Policy in vogue at the time when the father of the



petitioner died was the Compassionate Policy of appointment which was brought into force on 18.01.1990. In terms of said Policy, employment on compassionate grounds to the dependents of Government servants, who died while in service, was not to be provided as a matter of right and it was to be given only in deserving cases where the family of deceased Government servant was left in indigent circumstances, requiring immediate means of assistance. According to the Authority, as the income of family of the deceased at the time of his death was Rs.28,000/- per annum, therefore, family of the deceased could not be said to be left in indigent circumstances requiring immediate means of assistance.

10. In terms of the averments made in the writ petition the deceased at the time of his death left behind a widow and two sons, who were both unemployed as also married and were having children. Even if it was to be taken that the family at the relevant time comprised of the widow and two sons, even then the view taken by the Authority that a meager income of about Rs.2,500/- per month was good enough to said the family qua their requirements of a month cannot be termed as anything else, but wishful thinking. This too, coming from an Authority of the rank of Principal Chief Conservator of Forests, whose own pay scale at the time when the father of the petitioner died was Rs.24,050-650-26,000/- per month, meaning thereby, that the monthly pay of the deciding Authority at the relevant time was almost equivalent to the annual



income of the family consisting of a widow and two sons.

11. The construction of the words "indigent circumstances" could not have been done as myopically as it has been done in the present case. This Court expected the Authority to consider the case of the petitioner with some compassion, as he had applied for appointment under a Compassionate Policy. But, it appears that because earlier twice the case of the petitioner had been rejected, therefore, as it would have been difficult for Authority to have had subsequently taken a view different to that which was taken by it earlier, the same view stands reiterated by the Authority, which again as per this Court is not sustainable in law. This Court is of the considered view that annual income of Rs.28,000/- in the year 2003 cannot be all that much to infer that with such an income the family was not living in indigent circumstances.

12. Accordingly, in light of the above discussion, this writ petition is allowed. Impugned order dated 01.07.2024 (Annexure P-13), in terms whereof, the prayer of the petitioner for grant of compassionate appointment has been rejected, is quashed and set aside. The respondents are directed to offer appointment to the petitioner against a Class-IV post on contract basis from the date of filing of the original application before the erstwhile Learned Tribunal. The offer of appointment shall be with consequential benefits, including seniority. As far as monetary benefits are concerned, the same shall be notional up-till the date preceding



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three years from the date of filing of the present writ petition.

13. The petition stands disposed of, so also pending miscellaneous application(s), if any.

**(Ajay Mohan Goel)**  
**Judge**

August 05, 2026  
(Rishi)