

Phaulamu Devi vs. State of H.P. & others

CWPOA No. 5019 of 2020

11.07.2025

Present: Mr. Anil Chauhan, Advocate, for the petitioner.

Mr. Baldev Negi, Addl. A.G., for the respondents.

CMP-T No. 62 of 2025

By way of this application, a prayer has been made to add clause (c) in the prayer clause of the petition to the following effect:-

“That this Hon’ble Court may kindly be pleased to issue writ in the nature of mandamus thereby directing the respondents to grant the applicant/ petitioner compassionate allowances as admissible to him as per law.”

It is averred in the application that during the course of hearing of the case, the petitioner has raised alternative plea for compassionate allowance but since no specific prayer was there, it has been considered necessary to incorporate the prayer, so as to negate the possibility of any technical objection.

The application is opposed by the respondents by filing the reply. It is submitted that the petitioner will not be entitled to the relief now sought to be claimed by her in terms of specific bars under CCS (Pension) rules, 1972.

The merits of the plea sought to be raised in the pleadings is not to be considered at the time of adjudication of prayer for amendment. It will be subject to scrutiny at the time of final disposal of the petition.

In my considered view, no prejudice shall be caused to the respondents in case, the petitioner is allowed to amend the petition as prayed, as the merits of such plea/relief shall be considered at the time of final disposal of the petition.

Accordingly, the application is allowed. The petitioner is allowed to amend the petition. The application stands disposed of.

CWPOA No. 5019 of 2020

Amended petition has already been filed. Learned Additional Advocate General seeks time to file the reply to the amended petition. Be filed on or before the next date.

List on 8.8.2025

(Satyen Vaidya)
Judge

11th July, 2025
(kck)