

**IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA**

CWP No. 3100 of 2020

Reserved on: 06.10.2020

Decided on: 28.10.2020

Mamta DeviPetitioner,
Versus
State of Himachal Pradesh & othersRespondents.

Coram

The Hon'ble Mr. Justice Sureshwar Thakur, Judge.

The Hon'ble Mr. Justice Chander Bhusan Barowalia, Judge.

¹ *Whether approved for reporting? Yes.*

For the petitioner: Mr. Maan Singh, Advocate.

For the respondents: Mr. Hemant Vaid and Mr.
Hemanshu Mishra, Additional
Advocates General, with Mr. J.S.
Guleria, Deputy Advocate General

Chander Bhusan Barowalia, Judge.

The petitioner, by way of the extant writ petition, is seeking the following substantive reliefs:

- (i) *That the Policy, Annexure P-6 may be quashed and set aside more specifically clause (2) which debars the petitioner being a married daughter of deceased Government employee from seeking appointment on compassionate grounds and respondents may be directed to modify/amend the policy by including married daughters in the categories of eligible persons for the purpose.*
- (ii) *That annexures P-4 and P-5 dated 22.06.2020 and 09.07.2020, respectively be quashed and set aside.*
- (iii) *That after striking down the aforesaid clause, respondents may be directed to consider the case of the petitioner for appointment on compassionate grounds to a post befitting her qualification (M.A. Hindi and diploma in computers) at the earliest.*

¹ *Whether reporters of Local Papers may be allowed to see the judgment? Yes.*

2. Succinctly, the facts, emanating from the extant writ petition, are that on 08.05.2019, Shri Thakur Dass, father of the petitioner, who was a Class IV employee in the office of District Ayurvedic Office, Kullu, died in harness. It is further contended that the petitioner, her sister and mother are the survivors of Shri Thakur Dass and there is no male member in their family. As per the petitioner, she, her mother and sister, were dependant on late Shri Thakur Dass, and her mother and sister are unwilling to opt employment. The petitioner, who is M.A. (Hindi) and has diploma in Computers, applied on compassionate grounds and application for compassionate appointment was duly supported with the affidavits of her mother and sister purveying their 'No Objection'. Total annual family income of the petitioner's family is Rs. 63,000/- and to this effect the petitioner has annexed latest income certificate issued by the competent authority. It is averred that as per the Policy for providing Compassionate Employment, which is in vogue, ceiling of family income is Rs. 2,25,000/- for a family of four members, thus the income of the family of the petitioner is well under the ceiling. It is further averred that on 22.06.2020, application of the petitioner was rejected on the anvil that "*there is no provision in the Policy for grant of employment assistance to married daughter of the deceased Government employee.*"

3. The petitioner, concisely, is seeking a direction of

this Court to quash clause (2) of the above policy, which is extracted hereunder for ready reference, being discriminatory and unconstitutional:

- “(2) To whom the Policy is applicable:- the employment assistance on compassionate grounds will be allowed in order of priority only to widow or a son or an unmarried daughter (in case of unmarried Govt. Servant, to father, mother, brother and unmarried sister) of:-**
- (a) A regular Government employee/Contractual employee, who dies while in services (including suicide), leaving his family indigent & in immediate need of assistance;**
- (b) A Daily wages worker, who dies while in service, leaving his/her family indigent & in immediate need of assistance:**
-”

4. The case of the petitioner is that the above provision of the policy has no rationale for debarring married daughter(s) from compassionate employment. As per the petitioner, son of an employee, who dies in harness, remains son throughout his life, and likewise daughter remains daughter, being married or unmarried. Therefore, debarring a married daughter seeking employment assistance solely on the ground that she is married is unjust. It is averred that the policy is discriminatory and against the essence of Constitution of India, as it creates gender inequality. As per the petitioner, she is declared ineligible for being considered for employment assistance only for the reason that she is female and married.

5. On the above grounds, the petitioner is seeking directions of this Court to struck down Clause (2) of the policy and also quash Annexures P-4 and P-5, whereby the case of the petitioner for employment assistance was not considered and

virtually rejected. Lastly, the petitioner has also sought a relief that the respondents be directed to consider the petitioner for appointment on compassionate grounds.

6. Conversely, the respondents, by way of filing an extensive and detailed reply to the extant petition, resisted and denied the claim of the petitioner. Precisely, as per the respondents, the petitioner is ineligible for appointment on compassionate grounds, as the policy is only applicable to the dependents of the deceased Government employee, i.e., to the unmarried daughter (in case of unmarried Govt. employee) to father, mother, brother and unmarried sister. It is further averred in the reply that the petitioner is married to one Shri Sohan Lal, therefore, she is not to be counted as dependent of the deceased government employee. As per the respondents, elements of the policy of compassionate appointment are not only based on financial circumstances, but also on social circumstances. In case, married daughters are granted benefit of employment, family living in harness will be deprived of much needed assistance. Lastly, it is prayed that the extant writ petition, being devoid of merits, be dismissed.

7. We have heard the learned counsel for the parties and gone through the records.

8. The learned counsel for the petitioner has argued that the clause (2) of the Policy for Providing Compassionate Employment, which is in vogue, is discriminatory, as the same

perpetuates arbitrariness and inequality. He has further argued that the classification of married daughters of the employees, who die in harness, cannot be termed as reasonable classification, whereupon married daughters are being deprived consideration and consequent thereto employment on compassionate basis. A married daughter cannot be discriminated merely because she is married, whereas no such rigor is applicable to a married son. Marriage alone cannot constitute a ground for discrimination and constitutionally State cannot be allowed to use this assumption of marriage, being a rationale for hostile discrimination denying benefits to a married daughter, especially in the wake of the fact that equal benefits are being extended to a son, whether married or unmarried. He has argued that clause (2) of the policy needs to be struck down as violative of the Constitution of India. If an unmarried daughter, after getting employment, on compassionate ground, has liberty to marry, then it is meaningless that as to why a married daughter, who seeks such employment, is declared ineligible on the basis of the fact that she is married. In the above backdrop, he prays that the extant writ petition be allowed and apt directions be made to the respondents. The learned counsel for the petitioner has drawn our attention to the following judicial pronouncements:

1. ***Vijaya Ukarda Athor (Athawale) vs. State of Maharashtra and others, Civil Appeals No. 409 and 410 of 2015, decided by Hon'ble Supreme Court on 14.01.2015,***

2. **Smt. Vimla Srivastava and others (2016(1) ADJ 21 (DB), decided by Allahabad High Court;**
3. **N. Uma vs. The Director of Elementary School Education & others, Writ Petition No. 25366 of 2008, decided on 22.09.2017 by Hon'ble High Court of Judicature at Madras,**
4. **Udham Singh Nagar District Cooperative Bank Ltd. & another vs. Anjula Singh and others, alongwith batch matters, Special Appeal No 187 of 2017, decided on 25.03.2019 by High Court of Uttarakhand at Nainital; &**
5. **Court on its own motion vs. State of H.P. & others, CWPL No. 114 of 2017, decided on 14.08.2018, by High Court of Himachal Pradesh.**

9. Conversely, the learned Additional Advocate General has argued that the policy, in vogue, does not discriminate married daughters and the solitary object and rationale behind the same is that married daughters are no more dependent on the employee died in harness. He has further argued that in case a married daughter is extended benefit under the policy, then the family living in harness would be deprived of much needed employment assistance, as envisaged under the policy. The petitioner, in the case in hand, is married to one Shri Sohan Lal and thus no more dependent on the employee died in harness. Lastly, he has prayed for dismissal of the instant petition. He has relied upon a judgment of Hon'ble Supreme Court rendered in **Union of India vs. Shashank Goswami and another, AIR 2012 SC 2294**, wherein the Hon'ble Supreme Court observed: *Compassionate*

appointment cannot be claimed as a matter of right. It is not another source of recruitment. In such cases, the claim has to be considered in accordance with rules, regulations or administrative instructions, taking into consideration financial conditions of the family of the deceased.

10. At the very outset, it would be profitable to examine and analyze the above judgments cited, vis-a-vis, the facts of the present case. After going through the judgment of Hon'ble Supreme Court, rendered in case **Vijaya Ukarda Athor** (supra), we are of the opinion that there is no similarity of facts amongst the present case and the judgment referred to above, so the same is of no avail to the petitioner.

11. In a decision rendered by Hon'ble High Court of Allahabad in **Smt. Vimla Srivastava and others (2016(1) ADJ 21 (DB)**, it has been observed as under:

"The issue before the Court is whether marriage is a social circumstance which is relevant in defining the ambit of the expression "family" and whether the fact that a daughter is married can constitutionally be a permissible ground to deny her the benefit of compassionate appointment. The matter can be looked at from a variety of perspectives. Implicit in the definition which has been adopted by the state in Rule 2 (c) is an assumption that while a son continues to be a member of the family and that upon marriage, he does not cease to be a part of the family of his father, a daughter upon marriage ceases to be a part of the family of her father. It is discriminatory and constitutionally impermissible for the State to make that assumption and to use marriage as a rationale for practicing an act of hostile discrimination by denying benefits to a daughter when equivalent benefits are granted to a son in terms of the compassionate appointment. Marriage does not determine the continuance of the relationship of a child, whether a son or a daughter, with the parents. A son continues to be a son both before and after marriage. A daughter continues to a daughter. This relationship is not effaced either in fact or in law upon marriage. Marriage does not bring about a severance of the relationship between, a father and mother and their son or between parents and their daughter. These relationship are not governed or defined by marital

status. The state has based its defence in its reply and the foundation of the exclusion on a paternalistic notion of the role and status of a woman. These patriarchal notions must answer the test of the guarantee of equality under Article 14 and must be held answerable to the recognition of gender identity under Article 15.

The stand which has been taken by the state in the counter affidavit proceeds on a paternalistic notion of the position of a woman in our society and particularly of the position of a daughter after marriage. The affidavit postulates that after marriage, a daughter becomes a member of the family of her husband and the responsibility of her maintenance solely lies upon her husband. The second basis which has been indicated in the affidavit is that in Hindu Law, a married daughter cannot be considered as dependent of her father or a dependent of a joint Hindu Family. The assumption that after marriage, a daughter cannot be said to be a member of the family of her father or that she ceases to be dependent on her father irrespective of social circumstances cannot be countenanced. Our society is governed by constitutional principles. Marriage cannot be regarded as a justifiable ground to define and exclude from who constitutes a member of the family when the state has adopted a social welfare policy which is grounded on dependency. The test in matter of compassionate appointment is a test of dependency with defined relationships. There are situations where a son of the deceased government servant may not be in need of compassionate appointment because the economic and financial position of the family of the deceased are not such as to require the grant of compassionate appointment on a preferential basis. But the dependency or a lack of dependency is a matter which is not determined a priori on the basis of whether or not the son is married. Similarly, whether or not a daughter of a deceased should be granted compassionate appointment has to be defined with reference to whether, on a consideration of all relevant facts and circumstances, she was dependent on the deceased government servant. Excluding daughters purely on the ground of marriage would constitute and impermissible discrimination and be violative of Articles 14 and 15 of the Constitution.

A variety of situations can be envisaged where the application of the rule would be invidious and discriminatory. The deceased government servant may have only surviving married daughters to look after the widowed parent- father or mother. The daughters may be the only persons to look after a family in distress after the death of the bread earner. Yet, under the rule no daughter can seek compassionate appointment only because she is married. The family of the deceased employee will not be able to tide over the financial crisis from the untimely death of its wage earner who has died in harness. The purpose and spirit underlying the grant of compassionate appointment stands defeated. In a given situation, even though the deceased government employee leaves behind a surviving son, he may not in fact be looking after the welfare of the surviving parents. Only a daughter may be the source of solace emotional and financial, in certain cases. These are not isolated situations but social realities in India. A surviving son may have left the village, town or state in search of employment in a metropolitan city. The

daughter may be the one to care for surviving parent. Yet the rule deprives the daughter of compassionate appointment only because she is married. Our law must evolve in a robust manner to accommodate social contexts. The grant of compassionate appointment is not just a social welfare benefit which is allowed to the person who is granted employment. The purpose of the benefit is to enable the family of a deceased government servant, who dies in harness, to be supported by the grant of the compassionate appointment to a member of the family. Excluding a married daughter from the ambit of the family may well defeat the object of the social welfare benefit.

... ..

Dealing with the aspect of marriage, the Division Bench held as follows:

“Marriage does not have and should not have a proximate nexus with identity. The identity of a woman as a woman continues to subsist even after and notwithstanding her marital relationship. The time has, therefore, come for the Court to affirmatively emphasize that it is not open to the State, if it has to act in conformity with the fundamental principle of equality which is embodied in Articles 14 and 15 of the Constitution, to discriminate against married daughters, by depriving them of the benefit of a horizontal reservation, which is made available to a son irrespective of his marital status.”

True it is that under the Constitution of India it is impermissible for State to draw any assumption to use marriage as a rationale for practicing an act of hostile discrimination by denying benefit(s) to a daughter, when equivalent benefits are being granted to a son in terms of compassionate appointment. Marriage neither alters the relationship between the married daughters with her parents, nor creates severance of relationship. A son remains a son and his marriage does not alter or severe his relation with his parents, likewise, a daughter is always a daughter to her parents, her marriage also does not alter or severe her relation with her parents. If, the State even draws a thin line of distinction based on gender, then that line has to withstand the test of Article 15 of the Constitution of

India, which prohibits discrimination on the basis of religion, race, caste, sex or place of birth. In the instant case, the classificatory distinction, as drawn by the respondents, debarring the married daughter is, could not withstand the test of Article 15 of the Constitution of India.

12. Another point, which we need to delve on, is whether with the marriage of a daughter, her dependency on her parents ceases or it remains unaffected? The daughters have all the rights, which are available to sons, be it succession, right(s) in property etc. and these rights don't cease with marriage of a daughter and remain alive even after marriage. In fact, marriage is a social circumstance and it does not affect the dependency, thus marriage cannot be regarded as a reasonable and acceptable ground to determine dependency. For dependency (herein financial dependency), many facets have to be looked into, one of them is a situation where a son is not in need of compassionate appointment, but a married daughter is in need of the same, then the State cannot shrug off from its responsibility, rather duty, to provide compassionate appointment to her and the State cannot turn its back to a daughter, on unacceptable ground that she is married, who looks towards the State with the eyes of hope.

13. In nitty-gritty, the judgment (supra) is fully applicable to the facts of the present case and this Court cannot ignore the ratio laid down in the said judgment in adjudicating

the present matter, when mother is dependent upon the married daughter.

14. The Madras High Court in ***N. Uma vs. The Director of Elementary School Education & others, Writ Petition No. 25366 of 2008, decided on 22.09.2017***, has observed as under:

“13. All the above judgments have clearly observed that the State Government should not discriminate inspite of giving compassionate appointment to the sons and daughters of the deceased employee. When the Government is giving appointment to the married sons, they should not deny to give employment to the married daughters. But in this case, only on the ground of marriage of this petitioner, who is the daughter of the deceased mother, is denied by citing marriage as a reason and such action of the State is against the very scheme of the Constitution. The preamble of the constitution ensures equality of status and opportunity to all its citizens. The Government should not discriminate or deprive to woman on the ground of marriage, while the same is not a restriction in the case of a man.

14. Admittedly, in this case, the deceased employee has died during the course of the employment by leaving her two daughters viz., M.Manjula and M.Indra. Infact, the elder daughter of the deceased employee by viz., M.Manjula is a mentally retarded person and this petitioner, who is the second daughter of the deceased employee should take care of the first daughter. But, without considering all the above Government Orders and the judgments of this Court passed in the above writ petitions and the pathetic condition of the petitioner's family, the respondent mechanically passed the present impugned order by stating that the petitioner is a married woman and hence she is not entitled to the compassionate appointment. Again, the view of the respondent is totally illegal and he had not applied his mind. In all the above judgments cited supra, this Court directed the Government Authorities to give employment to the married daughter without discrimination but this respondent purposely rejected the request of the petitioner on the sole ground that she is a married daughter of the deceased employee.

... ..

15. In fact, this Court in the case of ***R.Govindammal Vs.Principal Secretary, Social Welfare and Nutritious Meal Programme Department, Chennai in 2015 (5) CTC 344*** has directed the first respondent to provide compassionate appointment to the petitioner, is she is otherwise eligible, without reference to marriage. In the said order, the learned Judge of this Court issued a direction to the Chief Secretary of the Tamil Nadu Government, to suitably modify the Government Order in G.O.Ms.No.165, Labour and Employment Department, dated 30.08.2010 in the light of the observations made above.

16. *The learned Additional Government Pleader, for the respondent Mr.R.Vijayakumar, argued that the impugned order dated NIL was passed in accordance with the above Government Orders. Since, the Government Order is restricted to give employment to the married daughters and hence, he sustained the impugned order*
17. *In my considered opinion and by going through the above judgments and on perusing the impugned order passed by the respondent it is unfortunate to note here that the respondent without considering the pathetic situation of the petitioner's case that the elder sister viz., M.Manjula, is a mentally retarded person and she ought to have been taken care of by her family members, the respondent has passed the impugned order in a mechanical manner without mentioning any other ground except the ground of married daughter. All the above cases cited supra has rightly directed the respondent authorities to, provide compassionate appointment without reference to the marriage of the petitioner. In the present case also, the above judgment is squarely applicable." (emphasis supplied)*
18. *The above said decisions apply on all fours to the case on hand. In the instant case, the deceased Government servant has no male issue. If the other legal heirs have given no objection to the petitioner being granted appointment on compassionate grounds, it cannot be stated that the petitioner is not entitled to appointment merely because she is married. That apart, Maintenance and Welfare of Parents and Senior Citizens Act places equal responsibility on both the son and daughter to take care of their parents.*
19. *There can be no artificial classification between married son and married daughter only on the basis of sex, as the same would tantamount to gender discrimination. If married son is considered to be a part of the family, this Court is at a loss to understand as to why a married daughter should not be included in the definition of family.*
20. *Son and daughter are supposed to take care of the parents at the old age. The married son is to be treated at par with the unmarried daughter. No considering the married daughter for compassionate appointment merely on the basis of marriage is patently arbitrary and unreasonable.*
21. *For the foregoing reasons, this writ petition is allowed and the impugned order dated 14.9.2008 passed by the second respondent is set aside and the second respondent is directed to consider the application of the petitioner and provide appointment to her on compassionate grounds, if she is otherwise eligible, without reference to her marriage. Such exercise shall be undertaken within a period of four weeks from the date of receipt of a copy of this order."*

The epitome of the above judgment and extracted excerpts, are decisive in adjudicating the *lis* in hand and this Court cannot proceed in an opposite direction from that of the judgment

(supra). The State, under the scheme of Constitution of India, cannot carve out a way, debarring married daughter(s) from compassionate employment and by doing so the State itself violates the scheme and spirit of the Constitution of India. The mere fact that a daughter is married cannot completely curtail her valuable right of compassionate appointment to bring the family out of harness, especially when son, irrespective of the fact that he is married or unmarried, is eligible for compassionate appointment. Thus, after the death of the parents, the children cannot be treated differently or discriminated on the basis of their sex, as in the present case married daughter is to maintain the mother. There can be no artificial classification between married son and married daughter only on the basis of sex, as it would be equivalent to gender discrimination, which is specifically prohibited under the Constitution of India, we fully agree with the ratio laid down in the judgment (supra), hence the same is applicable to the facts of the extant case.

15. The Hon'ble High Court of Uttarkhand, in its Full Bench judgment rendered in ***Udham Singh Nagar District Cooperative Bank Ltd. & another vs. Anjula Singh and others***, held that non-inclusion of a "married daughter" in the definition of a "family", under rule 2(c) of the 1974 Rules and the note below Regulation 104 of the 1975 Regulations, thereby denying her the opportunity of being considered for

compassionate appointment, even though she was dependent on the Government servant at the time of his death, is discriminatory and is in violation of Articles 14, 15 and 16 in Part III of the Constitution of India. Resultantly, a “married daughter” was also held to fall within the inclusive definition of “family” of the deceased Government servant, for the purpose of being provided compassionate appointment under the 1974 Rules and the 1975 Regulations. Thus, the judgment (supra) is fully applicable to the present case.

16. Lastly, the learned Counsel for the petitioner has placed reliance on a judgment of this High Court rendered in ***Court on its own motion vs. State of H.P. & others, CWPII No. 114 of 2017, decided on 14.08.2018.*** Though the facts of the judgment (supra) are not akin, yet the spirit of the judgment is applicable to the instant case, as it conveys that the State cannot discriminate on the ground of gender, while giving benefit of reservation only to the married sons and not the married daughters, being wards of the Freedom Fighters.

17. The conjunctional reading of the above judgments, viz-a-viz, the facts of the instant case, extensively convinces us that the State cannot carve out or draw, even a thin line, separating married daughter(s) from unmarried daughter(s)/son(s)/married son(s), ultimately depriving married daughter(s) of their valuable right of compassionate appointment. The State cannot discriminate married

daughter(s) on the mere fact of marriage. The policy of providing compassionate employment, which is in vogue, evidently provide a criterion of dependency on the deceased government servant, now, it is difficult to understand that married sons remain dependent and dependency of married daughters ceases with marriage, hence forming an exception. This exception may have hypothetical rationale, which though not offered, behind depriving employment assistance to a married daughter and it can be twin-fold, viz., (i) with marriage, financial dependency of a female shifts from her parents to her husband and his family; and (ii) least or no expectation from a married daughter to look after her surviving mother/father and siblings, who have chosen to give 'No objection' in favour of a married daughter, for her's being given employment on compassionate grounds. The above two rationale, in fact, fail to constitute a valid and viable basis depriving employment on compassionate grounds to married daughters, especially when daughters, married or unmarried, have been given all legal rights, as available to sons (married/unmarried), after the death of parents. So, the real test of "dependency" is the fact that the applicant, seeking compassionate appointment, was dependent on him/her prior to his/her demise. Thus, any other condition(s), debarring married daughter(s) is not only against the scheme of Constitution of India, but also against the dependency test.

18. The legality of the compassionate policy, in vogue, and in question herein, has to be evaluated on the touchstone of its constitutionality, but the policy, upon its evaluation, is discriminatory to married daughters, hence against the spirit of Article 15 of the Constitution of India. The State cannot act in a misogynistic way, carving ways to debar compassionate employment to married daughters and such act(s) fall within the definition of discrimination based on sex, which is against Article 15 of the Constitution of India.

19. The object of compassionate employment is not only social welfare, but also to support the family of the deceased government servant, who dies in harness, and by excluding married daughter(s) from the sweep of the family, the real purpose of social purpose cannot be achieved. If the marital status of a son does not make any difference in the eyes of law, then it is difficult to think, how marital status of a daughter makes such a huge difference in her eligibility. In fact, marriage does not have proximate nexus with identity and even after marriage, a daughter continues to be a daughter. Therefore, if a married son has right to compassionate appointment, then a married daughter also stands on the same footing and her exclusion does not have any plausible basis or logic, so her exclusion has no justifiable criteria.

20. Moreover, in the instant case there is no male member in the family, since the father of the petitioner, who

died in harness, left behind his widow and two daughters only, the petitioner, being the elder daughter. The aim and object of the policy for compassionate appointment is to provide financial assistance to the family of the deceased employee. In the absence of any male child in the family, the State cannot shut its eyes and act arbitrarily towards the family, which may also be facing financial constraints after the death of their sole bread earner.

21. As held above, the object of compassionate appointment is not only social welfare, but also to support the family of the deceased government servant, so, the State, being a welfare State, should extend its hands to lift a family from penury and not to turn its back to married daughters, rather pushing them to penury. In case the State deprives compassionate appointment to a married daughter, who, after the death of the deceased employee, has to look after surviving family members, only for the reason that she is married, then the whole object of the policy is vitiated.

22. After incisive deliberations, it emerges that core purpose of compassionate appointment is to save a family from financial vacuum, created after the death of deceased employee. This financial vacuum could be filled up by providing compassionate appointment to the petitioner, who is to look after the survivors of her deceased father and she cannot be deprived compassionate appointment merely on the ground that

she is a married daughter, more particularly when there is no male child in the family and the petitioner is having 'No Objection Certificates' from her mother and younger sister, the only members in the family.

23. In the instant case, in case the petitioner is not given compassionate appointment, who has to take care of her widowed mother and sister, if she is otherwise eligible and she fulfils the apt criteria, the whole family will be pushed to impoverishment, vitiating the real aim of the compassionate employment policy.

24. Therefore, this Court is of the considered view that in the instant case, the compassionate employment policy requires a generous application, keeping in view the peculiar facts and circumstances viz., the deceased employee has left behind his widow and two daughters; the petitioner being the elder daughter, has to look-after her widowed mother and sister, coupled with the fact that they have given their 'No Objection Certificates' in favour of the petitioner.

25. So, in view of the foregoing discussion, the object of the compassionate employment policy would only be met in case the petitioner is given compassionate appointment, if she otherwise fulfils other required eligibility criteria under the policy for compassionate appointment to the dependents of the deceased employee.

26. In view of foregoing discussion and considering the

relevant law on the subject, the extant writ petition is allowed, directing the respondents to give compassionate employment to the petitioner, if she is otherwise eligible and fulfills the criteria prescribed in the apt compassionate employment policy.

27. The writ petition is disposed of in the above terms.

All pending application(s) shall also stand(s) disposed of.

(Sureshwar Thakur)
Judge

(Chander Bhusan Barowalia)
Judge

28th October, 2020
(virender)

High Court of H.P.