

Government of Himachal Pradesh
Finance Department
(Expenditure Control - II)

No. Fin-F-(F)-1-1/2025

Dated Shimla - 2, the

08.10.2025

OFFICE MEMORANDUM

Subject:- Policy for providing 'Compassionate Employment' and delegation of Powers to department(s) for disposal of cases of compassionate appointments.

1. A "Revised Policy for providing 'Compassionate Employment' and also delegation of Powers to department(s) for disposal" was framed/circulated vide this Department's OFFICE MEMORANDUM No. Fin-F-(A)-(16)-1/2013 dated 07.03.2019. With a view to make it more simplified & employee-friendly, a need has been considered imperative to amend concerned provision(s) in the wider public interest. Thus, in partial modification, the following Para(s) shall deem to have been amended from the date of issuance of this Office Memorandum below having prospective effect:-

SERIAL No.	EXISTING PARA(S) OF THE POLICY IBID	AMENDED PROVISION THEREIN
01.	<u>PARA-2-TO WHOM THE POLICY IS APPLICABLE</u> <u>PARA-4-POST(S) TO WHICH SUCH APPOINTMENT CAN BE MADE</u> <u>PARA-5-ELIGIBILITY</u>	a) The word 'Contractual employee' wherever appearing in Para(s) 2, 4 & 5 shall be substituted by 'Job Trainee' as per the guidelines of the Department of Personnel; b) The Word 'Daily Waged Worker', wherever appearing in Para(s) 2, 4 & 5, shall also be replaced by a suitable formulation once the proposed 'Multi Task Workers'

Policy for engagement of all Class-D employees instead on daily wage basis, is finalized by the Department of Personnel;

c) Compassionate employment can also be provided against the lowest rung post(s) of Class-III as 'Job Trainee' as per the guidelines of the Department of Personnel & Class-IV, as 'Multi Task Worker(s)', as per the guidelines of the Department of Personnel post(s) which require technical/professional qualifications and other pre-requisite(s) as per their Recruitment & Promotion Rule(s);

d) Class-III [Clerical] post/Clerk be replaced by Class-III [Junior Office Assistant (IT) post] post/ Junior Office Assistant (IT), wherever appearing in Para 5.

02. PARA-8-DETERMINATION/ AVAILABILITY OF VACANCIES

In case of non-availability of vacancy to appoint them under 5% quota meant for such appointment(s), it may deem to have been

		relaxed as a one time measure till 31.12.2025. It will also be deemed to be in relaxation of the provision of Para-9 of the Rules of Business of the Government of Himachal Pradesh, 1971 and the Finance Department's instruction(s) dated 24.11.2018.
03.	<u>PARA-11-PROCESSING OF APPLICATIONS</u>	Priority will be given for disposal of eligible compassionate employment case(s) of Widow(s) and Parentless applicant(s) - who were below the age of 45 years on the date of death of the deceased employee.
04.	<u>PARA-12-HOW TO ASSESS INDIGENCY</u>	Income ceiling for assessing indigency of the family of the deceased employee shall now be overall Rs. 3,00,000/- per annum per family without any Per Capita Income ceiling of the family till 31.12.2025.
05.	<u>PARA-17-IMPORTANT COURT JUDGEMENTS RELATING TO COMPASSIONATE APPOINTMENTS</u>	02 more judgements of the Apex Court passed in Sanjay Kumar case and N. C. Santhosh case upholding the "date of consideration" for considering the compassionate employment case(s) by the respective Administrative Department(s) as

appended below for compliance:-

i) The Hon'ble Supreme Court of India in its judgment vide Para-2 in Civil Appeal No. 2931 of 2019 (Arising out of SLP (C) No. 1709/2015) titled State of Himachal Pradesh & Anr versus Sanjay Kumar, has made it quite clear that:-

"We are of the considered view that the eligibility of a candidate for compassionate appointment must be considered with regard to the limits fixed at the time of such consideration and not on the date on which the application is made....."

ii) The Hon'ble Supreme Court of India in its judgment vide Para-20 in Civil Appeal No. 9280-9281 of 2014 titled N.C. Santhosh Vs. State of Karnataka & Ors., has made it quite clear that:-

"Applying the laws governing compassionate

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appointment culled out from the above cited judgments, our opinion on the point at issue that the norms, prevailing on the date of consideration of the applications, should be the basis for consideration of claim for compassionate appointment. A dependent of a government employee, in the absence of any vested right accruing on the death of the government employee, can only demand consideration of his/her application. He is however disentitled to seek consideration in accordance with the norms as applicable, on the day of death of the government employee....."

2. While disposing off the case(s) seeking compassionate employment by the respective Administrative Department(s), this Department's OFFICE MEMORANDUM No. Fin-F-(A)-(16)-1/2013-I dated 22.08.2022 (Copy enclosed) be also followed.

3. The above amendment(s) may be brought to the notice all concerned for information and compliance in letter & spirit.

4. This Office Memorandum/instruction may also be seen on www.himachal.nic.in/finance under the link "Expenditure."

BY ORDER

Principal Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.

To

All the Administrative Secretaries to the
Government of Himachal Pradesh, SHIMLA -2.

... 6/...

Endst. No. Fin-F-(F)-1-1/2025 Dated:

08.10.2025

1. The Secretary to Governor, H.P., Shimla -2.
2. The Divisional Commissioner(s), Shimla/Kangra/Mandi.
3. The Secretary, H. P. Vidhan Sabha, Shimla - 4.
4. All Heads of Departments in Himachal Pradesh.
5. The Secretary, H. P. Public Service Commission, Shimla -2.
6. The Secretary, H. P. Rajya Chayan Ayog, Hamirpur.
7. The Registrar General, H. P. High Court, Shimla.
8. The Secretaries/Chairman/Managing Directors/Registrar of the Public Sector Undertakings/Autonomous Bodies and Boards/Corporations etc. in Himachal Pradesh.
9. 100 Spare Copies.

[VIJAY WARDHAN, IAS]

Special Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.

**DIRECTORATE OF SCHOOL EDUCATION
HIMACHAL PRADESH, LALPANI, SHIMLA-171001**

Endst. No. EDN(SE)-H(1)B(15)9/2025(Fin) dated :Shimla October, 2025

Copy is forwarded for information and necessary action to:-

1. The Joint Directors (School), Directorate of School Education, H.P. Shimla-1
2. The Joint Controller (F&AS), Directorate of School Education, H.P. Shimla-1
3. The District Attorney, Directorate of School Education, H.P. Shimla-1
4. All the Deputy Directors of School Education (Secondary/Elementary/Quality) in Districts of Himachal Pradesh.
5. All the Branch Supdt./Incharge, Directorate of School Education, H.P. Shimla-1
6. The Assistant Controller (F&AS), Directorate of School Education, H.P. Shimla-1
7. The Section Officer (F&AS), Directorate of School Education, H.P. Shimla-1
8. PS to Director School Education, Himachal Pradesh, Shimla-1
9. PA to Additional Directors, Directorate of School Education, H.P. Shimla-1
10. Incharge, IT Cell, Directorate of School Education, H.P. Shimla-1
11. Guard File.

Directorate of School Education
15 OCT 2025
Himachal Pradesh, Shimla-171001

Addl. Director (Admn)
School Education, H. P.

Government of Himachal Pradesh
Finance Department
(Expenditure Control - II)

No. Fin-F-(A)-16-1/2013-I Dated: Shimla - 171 002, the 22.08.2022

OFFICE MEMORANDUM

Subject:- 'Compassionate Employment' - Clarification on already rejected case(s).

1. This Department is in receipt of some proposal(s) from Departments seeking clarification whether the compassionate employment case(s) already rejected on the basis of high income or some other reason(s) at a particular time of their consideration can be re-considered/reviewed.

2. Attention of the Departments is invited to Para-17 (f) of the Policy dated 07.03.2019 which reads as under:-

"The Supreme Court in its judgment dated 05.04.2011 in Civil Appeal No. 2206 of 2006 filed by Local Administration Department vs. M. Selvanayagam @ Kumaravelu has observed that "an appointment made many years after the death of the employee or without due consideration of the financial resources available to his/her dependents and the financial deprivation caused to the dependents as a result of his death, simply because the claimant happened to be one of the dependents of the deceased employee would be directly in conflict with Articles 14 & 16 of the Constitution and hence, quite bad and illegal. In dealing with cases of compassionate appointment, it is imperative to keep this vital aspect in mind",

Further, the Para-17 (g) of the policy dated 07.03.2019 also refers to the Apex Court Judgment in Civil Appeal No. 988 of 2019 (Arising out of SLP (C) No. 7079 of 2016) titled State of Himachal Pradesh & Anr. versus Shashi Kumar.

In this case of Shashi Kumar Vs. State of H.P. the Apex Court had observed as under:-

"We see no reason or purpose in now directing the State to reconsider its decision in the case of the respondent which would only result in another round of fruitless litigation. In our view, the respondent is debarred from seeking compassionate appointment by the delay as well as by the lapse of time which has taken place."

Since this particular case stands decided as per the Rules prevalent at that particular time, such persons may not be considered under the policy, and re-considering the appointment afresh would be in conflict with Articles 14 & 16 of the Constitution and the principles of merit in appointment to public services.

Further, as per the Supreme Court decision in the case of State of HP Vs. Sanjay Kumar SLP No. 1709/2015 eligibility of a candidate for compassionate appointment must be considered with regard to the income limits fixed at the time of such consideration and not on the date on which the application is made. The income criterion is enhanced prospectively unless provided otherwise.

3. In view of the aforesaid Supreme Court ruling(s), the Departments may, take a decision at their level keeping in view the income criteria at the time when the indigency was determined and if a case is already decided/rejected, it may not be appropriate to consider the case afresh.

4. This instruction may be brought to the notice of all concerned for information and compliance.

5. This Office Memorandum/instruction may also be seen on www.himachal.nic.in/finance under the link "Expenditure."

[PRABODH SAXENA, IAS],
Additional Chief Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.

To


All the Administrative Secretaries to the
Government of Himachal Pradesh, SHIMLA - 2.

3...

Endst. No. Fin-F-(A)-(16)-1/2013 Dated:

22.08.2022

1. The Secretary to Governor, H.P., Shimla -2.
2. The Divisional Commissioner(s), Shimla/Kangra/Mandi.
3. The Secretary, H. P. Vidhan Sabha, Shimla -4.
4. All Heads of Departments in Himachal Pradesh.
5. The Secretary, H. P. Public Service Commission, Shimla -2.
6. The Secretary, H. P. Staff Selection Commission, Hamirpur.
7. The Registrar General, H. P. High Court, Shimla.
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[ROHIT JAMWAL, IAS]
Special Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.