

No.PER(AP)-C-E(3)-1/2020  
Government of Himachal Pradesh  
Department of Personnel (AP-III)  
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From Dated: Shimla-171002, the 17<sup>TH</sup> March, 2020  
The Additional Chief Secretary (Personnel) to the  
Government of Himachal Pradesh.

To

1. All Administrative Secretaries to the Government of Himachal Pradesh.
2. All Divisional Commissioners in Himachal Pradesh.
3. All Head of Departments in Himachal Pradesh.
4. All Deputy Commissioners in Himachal Pradesh
5. All the Chairmen/Managing Directors/Secretaries & Registrars of all the Public Sector Undertakings/Corporations/Boards/Universities, etc. in H.P.

Subject: Reservation in services for the children/grandchildren of Freedom Fighters-Instructions regarding.

Madam/Sir,

I am directed to say that the State Government has provided 2% reservation to the wards of freedom fighters in the services of the State/State Public Sector Undertakings/Autonomous Bodies etc. in direct recruitment to Class-I, Class-II, Class-III and Class-IV posts/ services vide Department of Personnel's letter No.Per(AP-II)D(2)-10/83, dated 16.10.1984. The State Government vide this department's letter No.PER(AP)-C-F(4)-4/96, dated 05.05.2001, has issued instructions specifying therein that the married daughters/granddaughters of freedom fighters shall not be entitled for the benefit of reservation meant for wards of freedom fighters.

2. In this regard, it is intimated that the Hon'ble High Court of Himachal Pradesh in CWPIIL No.114/2017 titled as Court on its own motion versus of State of Himachal Pradesh & others vide judgment dated 14.08.2018 has held that the State Government cannot discriminate on the ground of gender while giving benefit of reservation only to the married sons and not the married daughters and the same was held to be contrary to the provisions of Article 14 & 15 of the Constitution of India and accordingly, the said notification was quashed and set aside. The judgment passed by the Hon'ble High Court in CWPIIL No.114/2017 was challenged by the General Administration Department before the Hon'ble Supreme Court in Special Leave Petition No.29708/2019 (Diary No.19577/2019)-titled as State of Himachal Pradesh & another versus the High Court of Himachal

*J.R. Khosla*

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Pradesh which is tagged with one similar matter pending before the Hon'ble Apex Court as SLP No.31435/2016 State of H.P. versus Neelam Kumari.

3. It is further intimated that the General Administration Department in compliance to judgment passed by the Hon'ble High Court of Himachal Pradesh in CWP No.952/2019-titled as Banita Devi versus State of Himachal Pradesh & others has issued instructions vide letter No.GAD-E-(E)3-3/2019, dated 26.07.2019 & 23.09.2019 to all the Deputy Commissioners/SDMs of Himachal Pradesh to issue provisional ward of freedom fighter certificate to the married daughters/granddaughters of freedom fighters. However, the judgment and order dated 11.06.2019 in CWP No.952/2019 passed by the Hon'ble High Court of Himachal Pradesh has also been assailed before the Hon'ble Apex Court which is also tagged with SLP(C) No. 31435/2016.

4. Therefore, the State Government has decided to extend the benefit of reservation to the married daughters and grand-daughters of freedom fighters also under the wards of freedom fighter reservation, subject to the final outcome of the pending petitions for Special Leave to Appeal before the Hon'ble Supreme Court of India. Hence, the instructions issued by the State Government vide Department of Personnel's letter No.PER(AP)-C-F(4)-4/96, dated 05.05.2001 may be deemed to have been amended to this extent. These instructions may be brought to the notice of all concerned.

Yours faithfully,



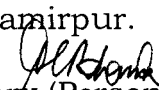
(O.P. Bhandari)

Deputy Secretary (Personnel) to the  
Government of Himachal Pradesh.

Tel.No. 0177-2626097

Endst.No.Per(AP)-C-E(3)-1/2020 Dated: Shimla the 17<sup>TH</sup> March, 2020  
Copy forwarded for information and necessary action to:-

1. The Secretary to the Governor, Himachal Pradesh, Shimla-2.
2. The Secretary, H.P. Vidhan Sabha, Shimla-171004.
3. The Registrar, H.P. High Court, Shimla-171001.
4. The Secretary, H.P. Public Service Commission, Shimla.
5. The Secretary, H.P. Staff Selection Commission, Hamirpur.



Deputy Secretary (Personnel) to the  
Government of Himachal Pradesh

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