



HIMACHAL PRADESH STATE ELECTRICITY BOARD LIMITED
(A State Govt. undertaking)



75
आज़ादी का
अमृत महोत्सव

Registered office : Vidyut Bhawan, HPSEBL, Shimla-171004(H.P.)
GST No. : HPSEBL 02 AACCH4894EHZB

Corporate Identity Number : 40109HP2009SGC031255
Website address : www.hpseb.in

Telephone Number : 0177-2803600,2801675(Office),
2813563(Fax)

Email : md@hpseb.in & dirf@hpseb.in

"OFFICE ORDER"

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

The Himachal Pradesh State Electricity Board Limited is pleased to adopt/decide that the instructions contained in Office Memorandum issued by the Special Secretary (Finance) to the Government of Himachal Pradesh vide No. Fin-F(A)-(16)-1/2013-I dated 22.08.2022 (Copy enclosed) shall also be applicable in the HPSEBL in toto.

(Mandj Kumar) HAS
Executive Director (Pers.),
HPSEB Ltd. Vidyut Bhawan, Shimla-4

No.HPSEBL (SECTT)/R&E/14-2/. (EAS)2021- 63711-931 Dated:- 16.9.22

Copy forwarded for information and necessary action to:-

1. The Addl. Chief Secretary (Power) to the Govt. of H.P. Shimla-2.
2. The Chairman HP Regulatory Commission, Keonthal Commercial Complex, Khalini,
3. The Managing Director, HPPCL, Himfed Building BCS New Shimla-9
4. The Managing Director BVPCL Jogindernagar.
5. The Managing Director, HPPTCL, Panjri, Tutikandi, Shimla-5,
6. The Directorate of Energy, Govt. of H.P. Thakur Vatika. Khalini, Shimla-2.
7. All the Chief Engineers in HPSEB Ltd..
8. The Chief Electrical Inspector to the Govt. of H.P. Kasumpti Shimla-9
9. The Secretary, BBMB, 19, B Madhya Marg Chandigarh.
10. The Director (Personnel), SJVNL, Shakti Sadan, Corporate Office Complex, Shanan Shimla.
11. The Chief Accounts Officer/Chief Auditor, F&A Wing HPSEB Ltd., Shimla-4.
12. The Secretary, H.P. Regulatory Commission, Khalini Shimla.
13. All the Superintending Engineers in HPSEB Ltd.(i.c. SE IT) HPSEBL web site.
14. The Land Acquisition Officer, HPSEBL Mandi/Shimla.
15. The Spl.Private Secretary/Sr.PS/PS to Managing Director/Directors/Executive Director (Pers.) in Board Secretariat HPSEBL.
16. All the Dy./Under Secretaries in Board Secretariat HPSEB Ltd
17. The Secretary, Consumer Grievances Redressal Forum (CGRF) HPSEBL Kasumpti.
18. All the Sr. Executive Engineers/Resident Engineers in HPSEB Ltd.
19. The Dy. Director (Pers.) IR/ Joint Director (PR/Trg.)in HPSEBL in Board Secretariat.
20. All the Section Officers in Board Secretariat HPSEB Ltd. Shimla-4.
21. The Company Secretary (Meeting cell) in Board Secretariat HPSEBL Shimla .
22. Guard file.

DA:-As above.

Executive Director (Pers.),
HPSEB Ltd. Vidyut Bhawan,
Shimla-4.

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

83/2022

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.

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EDCP
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28-8-22
S-I

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29.8.22

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R & E Dary No. 155
Dated 30-8-22

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.
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.


[ROHIT JAMWAL, IAS]
Special Secretary (Finance) to the
Government of Himachal Pradesh, SHIMLA - 2.