

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

**Execution Petition No. 163/2025
Decided on: 09.10.2025**

Jagdish

.....Petitioner

Versus

State of H.P. & Ors.

.....Respondents

.....
Coram

Ms. Justice Jyotsna Rewal Dua, Judge.

Whether approved for reporting?¹

For the petitioner:

Mr. Mehar Chand Thakur, Advocate.

For the respondents:

**Mr. L.N. Sharma, Additional
Advocate General, for respondent
No.1.**

**Mr. Mukul Sood, Advocate, for
respondents No.2 to 4.**

Jyotsna Rewal Dua, J

Petitioner seeks enforcement of directions issued in
Jagdish Vs. State of H.P. & Ors.² operative part of which reads as
under: -

*“5. In view of above discussion, this writ petition is allowed.
Impugned decision of the respondents as contained in
Annexure P-5, dated 21.08.2023, is set aside. Respondent
No.2/Competent Authority is directed to consider the case of*

¹ Whether reporters of the local papers may be allowed to see the judgment?

² CWP No. 3798/2024 decided on 31.12.2024

the petitioner for employment on compassionate grounds afresh strictly in light of the above observations within a period of three weeks from today. Copy of the order so passed, be also communicated to the petitioner.”

2. Pursuant to the orders passed in this execution petition, learned counsel for respondents No.2 to 4-Municipal Corporation placed on record instructions dated 20.06.2025, which runs as under: -

“MUNICIPAL CORPOPORATION SHIMLA
No.MCS/COMM./EA/2025-1585 Dated: 20/06/25,

Subject: Execution Petition No. 163 of 2025 in CWP No. 3798 of 2024 titled as Jagdish Kumar Vs. State of HP & another.

This is with reference to the order dated 08.04.2025 passed by the Hon'ble High Court of H. P. in Execution Petition No. 163 of 2025 in CWP No. 3798 of 2024 titled as Jagdish Kumar Vs. State of HP & another.

In this regard, it is submitted that Sh. Jagdish S/o late Sh. Kamal Dev had furnished the fresh application and given preference for providing compassionate employment against the posts of Peon, Chowkidar & Rat Beldar. Accordingly, his case was taken up with the Director, Urban Development, Himachal Pradesh vide this office letter No. MCS/Comm./Comp. Apptt./2025-1103 dated 23.04.2025 (copy enclosed) which was further taken up with the Principal Secretary, Urban Development to the Govt. of Himachal Pradesh vide letter No. UD-H(B)(2)-10/2019-III-12542-44 dated 28.04.2025 (copy enclosed). The matter has been examined at the Govt. level and the Principal Secretary, UD vide letter No. UD-E(3)-68/2024 dated 02.06.2025 has issued following directions:-

(i) That as per para-11 of revised policy for providing compassionate appointment, the seniority of the applicants for considering appointment is to be determined with reference to the date of death of the employee. The date of death of Sh. Kamal Dev father of the

applicant is 20.09.2020, whereas the case of Sh. Manpreet Singh, whose father died on 12.03.2018 is already under consideration with the Department for the appointment to the post of Peon on compassionate grounds, the case of Sh. Jagdish is below in seniority.

(ii) That as per para-8 of the ibid policy the compassionate appointment can be given upto a maximum of 5% of vacancies under direct recruitment quota, but neither in the cadre of Peon nor Chowkidar any vacancy is available under 5% quota against which the applicant could be considered.

(iii) That essential educational qualification for the post of Peon has been prescribed as 10th pass and for the post of Chowkidar and incumbent must be 8th pass, but the applicant, Sh. Jagdish is only 5th pass and his case can be considered for compassionate appointment as and when post under 5% quota will be available that too, subject to the relaxation in essential education qualification.

In view of above, you are requested to apprise the Hon'ble High Court accordingly.

Joint-Commissioner,
Municipal Corporation, Shimla.
Legal Advisor-cum-Law Officer
MC Shimla."

3. Learned counsel for the petitioner submitted that in view of above office instructions, the present proceedings be closed at this stage with liberty reserved to the petitioner to seek appropriate remedy, in accordance with law, at an appropriate state for redressal of his grievances.

4. Taking note of the above office instructions, the present execution petition to stand disposed of. Liberty is reserved to the petitioner to seek appropriate remedy, in accordance with law for the redressal of his grievance, at an appropriate stage, in case, necessity

so arises. Pending miscellaneous applications, if any, shall also stand disposed of.

Jyotsna Rewal Dua
Judge

October 09, 2025 (rohit)