

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3972 OF 2011
(@ SPECIAL LEAVE PETITION(C)NO.21865 OF 2010)

STATE OF H.P. & ORS.

... APPELLANTS

VERSUS

KALAWATI & ORS.

... RESPONDENTS

O R D E R

Leave granted.

The case of the respondent herein is different from the batch of appeals decided today by this Court with the title "State of Himachal Pradesh Vs.Sarab Dayal i.e.Civil Appeal @ S.L.P.(C)No.362 of 2008". The respondent no.1 Kalawati's husband-Rameshwar Singh, who was on duty as Chowkidar in the Store Department in the National Highway Division, Solan at Tamboo More, was attacked by some people and he was badly injured. He was treated at P.G. I., Chandigarh for about six to seven months but due to the serious injuries sustained by him while on duty on 5.2.1999 after a lapse of about 11 years, we are told that, he is still in the state of Coma. The State of Himachal Pradesh on 26.10.2002 passed the following order :

"HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT

OFFICE ORDER

Consequent upon his invalidation declared by Medical Board Distt. Hospital Solan on account of his completely and permanently incapacitated for further service of any kind in the department vide their report on form 23 of dated 1.3.02, Sh.Rameshwar Singh, Chowkidar of this office is hereby retired

from Govt. Service w.e.f.1.3.02(A.N.) under Rule 38 of Central Civil Services (Pension) Rules, 1972. He shall treat himself relieved on 1.3.02 (A.N.).

Sd/-
Executive Engineer
National Highway

Division

HP, PWD, Solan

No.NHD-CB-Pension/03-5013-20 Dt.26.10.02

Copy to following for information and necessary action :-

1. The Sr.Deputy Accountant General, H.P.Shimla.
2. The Engineer-in-Chief, HP, PWD, Delhi."

In this view of the matter, the case of the respondent is different from that of others cases. It was wrongly tagged with other cases. We have heard learned counsel for the State of Himachal Pradesh and the learned counsel for the respondent. We are not inclined to interfere with the impugned judgment of the High Court.

It may be relevant to mention here that the respondent no.1 on 25.02.2002 gave a representation to the Chief Minister for employment to Laxmi Singh, one of the sons of Rameshwar Singh on compassionate grounds. Unfortunately till date his representation has not been considered. We have handed over a copy of the representation to learned counsel for the State, who may forward it to the concerned authorities of the State of Himachal Pradesh. We direct the State of Himachal Pradesh to consider the representation of the respondent sympathetically and accommodate Laxmi Singh, Son of Rameshwar Singh in any suitable job.

With these observations, the appeal is disposed of,
leaving the parties to bear their own costs.

.....J.
(DALVEER BHANDARI)

.....J.
(DEEPAK VERMA)

NEW DELHI;
5TH MAY, 2011

