
(2010) 07 AHC CK 0331
In the Allahabad High Court
Case No : Writ Petition No. 5003 of 2010

Bharat Yadav

APPELLANT

Vs

State of U.P. & Ors.

RESPONDENT

Date of Decision : 23-07-2010

Acts Referred:

Constitution of India, 1950 — Article 16, 309
Uttar Pradesh Recruitment of Dependents of Government Servant (Dying-In-Harness)
Rules, 1974 — Rule 5

Citation : (2010) 07 AHC CK 0331

Hon'ble Judges : Shabihul Hasnain, J

Final Decision : Allowed

Judgement

Shabihul Hasnain,J.

1. Heard Sri Pradeep Shukla, learned counsel for the petitioner and learned Standing counsel.
2. The case of the petitioner is that petitioner's father who was a work charge employee in the department died in harness. Petitioner being his son was given appointment under Dying in Harness rules vide order dated 12.12.2006, annexed as annexure No.2 to the writ petition.
3. The contention of learned counsel for the petitioner is that since the petitioner is working as daily wager and almost 4 years have passed but her services have not been regularized and he has not been given permanent post. In this regard reliance has been placed on the judgment rendered in the case of Kishan Lal Versus State of U.P. and others, 2007 (25) LCD 469 : ((2007) 6 ALJ (DOC) 324) It appears from the averments made in the writ petition that the petitioner is continuously working and making several representations which have fallen in deaf ears of the opposite parties, who in the first place faulted by not giving her permanent appointment as has been envisaged under Dying in Harness Rules, 1974 and secondly they are continuously flouting the rules by keeping her on daily wage basis.

4. The writ petition is, therefore, allowed. The petitioner shall be treated to be a regular employee from the date of her initial appointment. She will be allowed all consequential benefits including arrears of salary from the date of her initial appointment.