

**(2021) 08 UK CK 0195**

**In the Uttarakhand High Court**

**Case No : Writ Petition (S/S) No. 1029 Of 2021**

Kheemanand

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

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**Date of Decision :** 12-08-2021

**Acts Referred:**

**Citation :** (2021) 08 UK CK 0195

**Hon'ble Judges :** Ravindra Maithani, J

**Bench :** Single Bench

**Advocate :** Harendra Belwal, Indu Sharma, Hrishek Lakhera

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## **Judgement**

Ravindra Maithani, J

1. The instant writ petition has been filed seeking the following reliefs:-

i) Issue a writ, order or direction in the nature of mandamus commanding the respondents to treat the services of the petitioner as a confirmed

employees appointed under Dying-in-Harness Rules since his date of initial appointment i.e. 20.04.2010 .

ii) Issue a writ order or direction in the nature of mandamus commanding the respondents to pay him all consequential benefits.

iii). Issue a writ order or direction in the nature of mandamus commanding the respondents to give him admissible Pay Scale to the petitioner as is

being drawn by his other counterpart in the department.

iv) Issue a writ order or direction in the nature of mandamus commanding the respondents to take a decision on the representation dated 17.06.2021,

moved by the petitioner (Annexure No.4 in this writ petition).

v) Issue any suitable order or direction as this Honâ??ble Court may deem fit and proper in the circumstance of the case.

vi) To Award the cost of the writ petition to the petitioner.â??

2. Heard learned counsel for the parties and perused the record.

3. It is the case of the petitioner that after the death of his father, he was given appointment under The U.P. Recruitment of Dependents of

Government Servants Dying in Harness Rules, 1974 (for short, â??Dying-in-Harness Rulesâ?) on 20.04.2010. Since then, he has been discharging his

duties with utmost dedication and sincerity. But, the petitioner is aggrieved that he has not been given status of confirmed employee, for which he is

otherwise entitled to in view of the provisions of the Dying-in-Harness Rules.

4. It is also the case that identical controversy has already been settled by this Court in WPSS No.75 of 2021, Laxmi Datt vs. State of Uttarakhand

and others by its order dated 12.01.2021.

5. Learned counsel for the petitioner would submit that the controversy raised in the instant petition is squarely covered by the judgment of this Court,

passed in WPSS No.75 of 2021, Laxmi Datt vs. State of Uttarakhand and others, which has been decided in terms of the judgment dated 13.07.2021,

passed in WPSS No.675 of 2020 of this Court.

6. Learned State counsel admits that the case is squarely covered by the judgment of this Court in WPSS No.75 of 2021.

7. In view of the above, the instant petition is decided in terms of the order dated 12.01.2021, passed by this Court in WPSS No.75 of 2021.