

(2024) 04 UK CK 0105

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 685 Of 2024

Pradeep Singh Koranga

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 23-04-2024

Acts Referred:

Indian Army/ Paramilitary Forces, Employment In State Service On compassionate Grounds Rules, 2018 — Rule 5

Citation : (2024) 04 UK CK 0105

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Tarun Prakash Singh Takuli, Sachin Mohan Singh Mehta, Bhupendra Koranga, Atul Bhatt

Final Decision : Disposed Of

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties.
2. It is the case of the petitioner that the petitioner is son of Martyr Inspector (No.721050027) Praveen Singh Koranga, who laid down his life while fighting insurgency in Jammu & Kashmir on 17.04.2002 and Operational Casualty Certificate was issued to the petitioner on 23.02.2021, which is annexed as Annexure No.5 in the writ petition.
3. The petitioner applied for compassionate appointment due to operational casualty of his father under the Dependents of Martyr Soldiers (permanent residents of Uttarakhand) in Indian Army/ Paramilitary Forces, Employment in State Service on compassionate grounds Rules, 2018 (hereinafter referred as Rules, 2018), on 18.05.2022.
4. The said application is still pending with the respondent-department and as yet, no compassionate appointment was given to the petitioner. However, District Magistrate, Bageshwar has informed the Director, Soldier Welfare and

Rehabilitation Department, Dehradun vide letter dated 12.02.2024 (Annexure No.11 to the writ petition) that the matter of compassionate appointment of the petitioner is still under process and a decision has to be taken thereon by the Government, as the wife of martyr Praveen Singh Koranga is a pensioner from the Education Department, and, therefore, Rule-5 of the aforesaid Rules, 2018 is yet to be clarified at the level of the Government.

5. From perusal of the aforesaid letter dated 12.02.2024, it reflects that till date, State Government has not taken any decision with regard to the compassionate appointment of the petitioner.

6. Learned counsel for the petitioner made an innocuous prayer to dispose of the writ petition stating that on submission of a representation to the respondent No.1-Principal Secretary, Soldier Welfare Department, Dehradun, the respondent No.1 may be directed to decide the said representation within a stipulated time.

7. The said prayer being innocuous, is not opposed by the learned counsel for the respondents.

8. In this view of the matter, the writ petition is finally disposed off and it is provided that the petitioner may submit his representation to the respondent No.1-Principal Secretary, Soldier Welfare Department, Uttarakhand Secretariat, Dehradun within a period of 15 days from the date of receipt of certified copy of this order; if such a representation is made, respondent No.1 is directed to decide the same by passing a reasoned and speaking order within a period of 08 weeks' from the date of its receipt.