
(2025) 07 UK CK 0656
In the Uttarakhand High Court
Case No : Special Appeal No. 1009 Of 2018

Pratap Singh Mehta

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 15-07-2025

Acts Referred:

Citation : (2025) 07 UK CK 0656

Hon'ble Judges : Manoj Kumar Tiwari, J; Subhash Upadhyay, J

Bench : Division Bench

Advocate : Rahul Adhikari, Rahul Verma

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

1. There is delay of 96 days in filing this Special Appeal.
2. Reasons furnished in the Delay Condonation Application are sufficient to condone the delay in filing the Special Appeal. Accordingly, Delay Condonation Application (CLMA No. 19391 of 2018) is allowed and the delay in filing the Special Appeal is condoned.
3. This intra-court appeal is directed against final order dated 02.08.2018, passed by learned Single Judge in Writ Petition (S/S) No. 915 of 2017. By the said order, writ petition filed by the appellant, claiming regularization against the post of Forest Guard, was dismissed. Operative portion of the impugned order is reproduced below:-

"3. Petitioner nowhere stated that on which post he was working on daily wage basis. Petitioner himself claimed for regularization as per Rule 4 of the Regularization Rules, 2003 and in this Rule, there is no provision for regularization on Group C posts. Admittedly, post of Forest Guard is Group C post. Respondents no. 2 and 3 have filed counter affidavit. In para 7 of the counter affidavit, they have categorically stated that service conditions of the

Forest Guard are governed by provisions of the Subordinate Forest Service Rules. Claim of petitioner for regularization has already been admitted by the respondent Department way back in 2014. Petitioner accepted the order of regularization without any protest. Now, after getting regularization, petitioner cannot again approach this Court seeking regularization on Group C post, which is outside the purview of Regularization Rules. Second petition for same relief is barred by principles of res judicata.

4. In view of the above discussion, I do not find any merit in the petition. Writ petition fails and is hereby dismissed. No order as to costs.”

4. It is not in dispute that appellant was engaged as daily wager in Forest Department in the year 1975. Since his claim for regularization was not being considered, therefore, he filed Writ Petition (S/S) No. 1399 of 2013 seeking regularization, which was decided in terms of the judgment rendered in Writ Petition (S/S) No. 1589 of 2004; the authorities were directed to consider the petitioner in that case for regularization under the Regularization (On Group “D” Posts) of Daily Wages Appointment Rules, 2003. In terms of the direction issued in favour of petitioner in Writ Petition (S/S) No. 1399 of 2013, he was considered and regularized on a Group-D post of Chaukidar, vide order dated 05.02.2014.

5. After accepting the order of regularization on a Group-D post, appellant filed another writ petition claiming regularization on a Group-C post of Forest Guard w.e.f. the date of regularization of his junior i.e.15.09.2003. The said writ petition having been dismissed by learned Single Judge, he has come up in appeal.

6. We do not find any reason to interfere with the impugned order passed by learned Single Judge. There is nothing on record to show that the appellant served on a Group-C post of Forest Guard. In his earlier writ petition also, he relied upon a judgment in which direction was issued to regularize the petitioner in that case, on a Group-D post. In terms of the said judgment, appellant was given benefit of regularization on a Group-D post, which he readily accepted, without raising any demur, therefore, learned Single Judge was justified in holding that after accepting the regularization on a Group-D post, he cannot now claim regularization on a Group-C post.

7. For the aforesaid reasons, Special Appeal fails and is dismissed.