

(2024) 01 UK CK 0010

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 1454 Of 2017

Sonu Singh

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 03-01-2024

Acts Referred:

Citation : (2024) 01 UK CK 0010

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Ganesh Kandpal, Narayan Dutt, Jayvardhan Kandpal

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. Petitioner has sought the indulgence of this Court seeking for a direction to the respondent to grant compassionate appointment to the petitioner under the U.P. Recruitment of Dependants of Government Servants Dying in Harness Rules, 1974.

2. Heard learned counsel for the parties.

3. The facts of the case, as stated by learned counsel for the petitioner, are that father of the petitioner, late Shri Kripal Singh, who was working as a Daily Wager Labour/Gatekeeper with the respondent-department under the Forest Division, Ramnagar, expired on 18.06.2012, while still in service. Petitioner and his mother were survived by death of Late Kripal Singh. Petitioner on 07.09.2015 moved an application seeking compassionate appointment in place of his father. Since the father of the petitioner was not in a regular service, the said application was forwarded by the Divisional Forest Officer and on 21.07.2015, he wrote a letter to the Chief Conservator, Forest Western Circle, Nainital and requested to take necessary action on the application made by the petitioner for compassionate appointment. When no action was taken on the said application, petitioner

moved this Court by filing the present writ petition.

4. Learned counsel for the petitioner submits that father of the petitioner was working with the respondent-department since 01.03.1991, but unfortunately, before his death on 18.06.2012, he could not be regularized. However, it is pointed out that the contemporaries of his father were regularized with the Forest Department. He further submits that in a similar set of circumstances where one Rakesh Sah, son of a daily wager i.e. Shri Govind Lal Sah was given compassionate appointment after the order passed by this Court in a Writ Petition (S/S) No.1335 of 2005 on 03.03.2006 and in compliance of the said order, vide order dated 19.11.2015, petitioner of that writ petition i.e. Rakesh Sah was given compassionate appointment as a regular employee.

5. The attention of this Court is drawn to the appointment of Rakesh Sah, annexure-5 to the writ petition and it is submitted that in a similar set of circumstances, petitioner of that writ petition (supra) Shri Rakesh Sah was given regular appointment on a pay scale of Rs.5200-20200, Grade Pay Rs.1900 by the respondent-department.

6. Seeking parity of the said order, learned counsel for the petitioner prayed for the same relief in favour of the petitioner.

7. Learned counsel for the petitioner pressed into service the judgment and order rendered in Writ Petition (S/S) No.528 of 2018, Rajeev Joshi vs. State of Uttarakhand & others, wherein a similar set of controversy, regular appointment on compassionate ground was given to the dependent of the daily wager by the State Government.

8. Since the application of the petitioner has yet to be decided by the respondent and the same is pending consideration, such a positive direction to appoint the petitioner on compassionate ground cannot be issued at this stage. However, keeping in view the pendency of the application of the petitioner for compassionate appointment in place of his father, who was a daily wager with the respondent-department, the writ petition could be disposed of by directing the respondent-authorities i.e. respondent no.3 to immediately decide the application of the petitioner dated 07.09.2015 for compassionate appointment within a stipulated time.

9. Accordingly, the writ petition is allowed. The respondent no.3 i.e. Divisional Forest Officer, Forest Division, Taraee West Ramnagar is hereby directed to consider the application of the petitioner dated 07.09.2015, in view of the observations made in the aforesaid judgments and orders and take a decision on the said application, as early as possible, but not later than six weeks from the date of production of certified copy of this order.