

**IN THE HIGH COURT OF UTTARAKHAND AT  
NAINITAL**

**Writ Petition No. 906 (S/S) of 2010**

Sonu Kumar S/o Late Sri Indal  
Prasad ..... Petitioner.  
Vs.  
State of Uttarakhand and others ...Respondents.

Mr. C.K. Sharma, learned counsel for the petitioner.  
Mr. N.P. Shah, learned Standing Counsel for respondents 1,3 & 4.  
Mr. T.A. Khan, Advocate for respondent No.2.

**(Hon'ble B.S. Verma, J.)**

Heard Mr. C.K. Sharma, learned counsel for the petitioner, Mr. N.P. Shah, Standing Counsel for respondents 1, 3 and 4 and Mr. T.A. Khan, Advocate for respondent No.2.

By means of this petition the petitioner has sought a writ in the nature of certiorari quashing the impugned Govt. Order dated 17.1.2004, contained as annexure No.11, to the writ petition.

Further prayer is made for issue of a writ in the nature of mandamus commanding and directing the respondents to provide regular appointment to the petitioner and the other dependent of the deceased employees whose name have been mentioned in the list, annexed as annexure no.3 to the writ petition.

The grievance of the petitioner is that the petitioner and the dependents of the deceased employees are entitled for regular appointment under dying in harness rules. The other daily wagers are being regularised in view of the G.O. dated 17-1-2004.

Learned counsel for the petitioner has submitted that in respect of relief no.2 the petitioner has also made representation before respondent nos. 2 and 3.

In the facts and circumstances of the case, it is directed that the respondent nos. 2 and 3 shall take a

decision on the representation of the petitioner, annexure no.13 to the writ petition, before implementing the G.O. dated 17.1.2006, annexure no.5 to the writ petition, preferably within a period of four weeks from the date of production of certified copy of this order.

With the aforesaid direction, the writ petition is disposed of finally.

Dated: 30-09-2010

**(B.S. Verma, J.)**

ISB