

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPSS No.724 of 2021 <u>Hon'ble Sharad Kumar Sharma, J.</u> (Via Video Conferencing)</p> <p>Mr. Harendra Belwal, Advocate for the petitioner.</p> <p>Mr. P.S. Bisht, Addl. C.S.C. for the State of Uttarakhand.</p> <p>The petitioner of the present writ petition has prayed for the following reliefs:-</p> <p>“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 her date of initial appointment i.e. 14.03.2011.</p> <p>ii. Issue a writ order or direction in the nature of mandamus commanding the respondents to pay her all consequential benefits.</p> <p>iii. Issue a writ order or direction in the nature of mandamus commanding the respondents to give her admissible Pay Scale to the petitioner as is being drawn by her other counterpart in the department.</p> <p>iv. Issue a writ order or direction in the nature of mandamus commanding the respondents to take a decision on the representation dated 06.04.2021, filed by the petitioner (Annexure No.08 in this writ petition).</p> <p>v. Issue any other suitable order or direction as this Hon'ble Court may deem fit and proper in the circumstances of the case.</p> <p>vi. To award the cost of the writ petition to the petitioner.”</p>

			<p>The contention of the learned counsel for the petitioner is that the husband of the petitioner, who was appointed with respondent no.5, on 26.12.1988 on the post of Beldar/Anurakshak, and later on placed in a work charge establishment on 31.08.2001. But unfortunately, during the service period he met with the sad demise on 20.10.2010 and as a consequence thereto the petitioner, who is the widow of the deceased employee has raised a claim before the respondent (competent authority), to be considered for compassionate appointment, which was processed by the respondents and she was ultimately appointed under the Harness Rules, by virtue of an order dated 14.03.2011, but however, the appointment which was made under the Dying-in-Harness Rules in relation to the petitioner, was made on the basis of a daily rated employee.</p> <p>The petitioner has come up with the case that though she was appointed as a daily rated employee on 14.03.2011, but later on her services too had been placed in a work charge establishment w.e.f. 10.05.2012. She has submitted that she has been consistently approaching the respondents, that since her initial appointment of 14.03.2011 was made under the Dying-in-Harness, it ought to have been on regular basis and not as a daily rated employee, she contends that she has submitted the representation and the last representation being that of 06.04.2021.</p> <p>Learned counsel for the petitioner has further submitted that this Court has already considered the issue in a writ petition being Writ Petition No.640 of 2021 (S/S) Rakesh Singh vs. State of Uttarakhand, decided by the judgment of 11.06.2021 based on the various pronouncement of this Court; as well as that of Allahabad High Court and the writ petition was disposed of directing the competent authority to take a decision on the representation for the purposes of grant of a regular status to the employees, who had been appointed on compassionate grounds.</p> <p>This aspect of the matter, that the issue stands covered by the aforesaid judgment of 11.06.2021, which was rendered by this Court, in a</p>
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