

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.1407 of 2021 <u>Hon'ble Sharad Kumar Sharma, J.</u> Mr. Shubhang Dobhal, Advocate, for the petitioner. Mr. Narain Dutt, Brief Holder, for the State of Uttarakhand.</p> <p>The petitioner in the writ petition had prayed for the following reliefs:-</p> <p>“I. Issue a writ, order or direction in the nature of mandamus commanding the respondents to consider the case of the petitioner for regular appointment as the petitioner was given appointment on compassionate ground on the post of Baildar.</p> <p>II. Issue a writ, order or direction in the nature of mandamus commanding the respondents to consider the case of the petitioner for the payment of minimum of pay scale Rs.(5200-20200) with grade pay Rs.1900 to the petitioner as being paid to the regular employee working on the post of Baildar on the principle of equal pay for equal work.</p> <p>III. Issue writ rule or direction in the nature of mandamus commanding and</p>

			<p>directing to the respondents not to show any displeasure towards the petitioner for approaching Hon'ble court by way of altering their service conditions and depriving them from legitimate and law full claim.</p> <p>IV. Pass any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.</p> <p>V. Award the cost of the writ petition to the petitioner.”</p> <p>For the relief, as extracted above, the foundation of the pleadings of the petitioner in the writ petition are that the late father of the petitioner Mr. Dhirendra Singh Panwar, who was working with the respondent, had met with the sad demise during the course of the employment, and hence, after the death of the father of the petitioner, he had raised a claim for being considered for appointment on compassionate grounds, and consequently, the respondent had considered the claim of the petitioner and had granted an appointment to him on the compassionate ground on 03.06.2014, though on a daily wages basis.</p> <p>The grievance of the petitioner is, that any recruitment or appointment, which are made on compassionate ground, that cannot be</p>
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			<p>made on daily wages basis or temporary, rather it should be treated as to be a regular appointment in the light of the principles of the judgment laid down by the Divison Bench of the Allahabad High Court as reported in 1999 (3) UPLBEC 2263, “Ravi Karan Singh Vs. State of Uttar Pradesh”, and this Court too had an occasion to deal with the judgment in a bunch of writ petitions being WPSS No.640 of 2021, “Rakesh Singh Vs. State of Uttarakhand & others”, in which while making a reference to the judicial precedents laid down by the different courts, this Court had observed that the recruitments, which are made on compassionate appointment has had to be on permanent basis.</p> <p>In that eventuality, the petitioner contends, that his appointment ought to be treated as to be a permanent employee w.e.f. 03.06.2014, but his status is still being continued as that of the daily wager ever since his initial appointment on 03.06.2014.</p> <p>It goes without saying, that the judicial precedents, and even the spirit of the appointment contemplated under the Dying in Harness Rules, had a welfare objective behind it, and being a welfare objective, it has been laid down by the courts that the appointments made on compassionate ground has to be treated as to be a permanent employee.</p>
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