

**Court No. - 36**

**Case :-** WRIT - A No. - 13471 of 2023

**Petitioner :-** Kamal Singh

**Respondent :-** State Of U.P. And 2 Others

**Counsel for Petitioner :-** Sanjay Kumar Srivastava

**Counsel for Respondent :-** C.S.C.,Bhanu Pratap Singh  
Kachhawah

**Hon'ble Manjive Shukla,J.**

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondent No. 1 and Sri Bhanu Pratap Singh Kachhawah, learned counsel appearing for the Respondents No. 2 and 3.

2. Petitioner has filed this writ petition inter-alia praying therein for a direction from this court thereby commanding the Respondent No. 3 to consider his case and to treat compassionate appointment of the petitioner as a regular appointment from the date of his initial appointment and also to pay the consequential benefits.

3. Facts of the case, in brief, are that father of the petitioner while working on the post of Assistant Teacher, died in harness. Petitioner was given compassionate appointment on a Class-IV post vide order dated 25.10.1994, thereafter services of the petitioner were regularized vide order dated 29.01.2011 passed by Deputy Basic Education Officer, Etah. Petitioner, since the date of his regularization, has been receiving salary in the regular pay scale admissible to Class IV employees.

4. Learned counsel appearing for the petitioner has submitted that petitioner's initial appointment on Class IV post was on compassionate ground and therefore, the said appointment is to be treated a regular appointment in regular pay scale of a Class IV employee from the date of initial appointment. In this regard, petitioner has also submitted a representation to the District Basic Education Officer, Etah on 23.8.2022, which has not been decided till date.

5. Learned counsel appearing for the petitioner has invited attention of this court towards the judgment and order dated **2.8.2023** passed by this court in **Writ-A No.6719 of 2023 (Praveen Kumar vs. State of U.P. and others)**, wherein this court has categorically held that appointment on compassionate ground has to be treated as regular appointment from the date of initial appointment and such appointee is entitled for payment

of salary in a regular pay-scale from the date of his initial appointment.

6. Learned counsel appearing for the petitioner has submitted that this writ petition filed by the petitioner is liable to be allowed by this court in terms of judgment and order dated **2.8.2023** passed by this court in **Writ-A No.6719 of 2023 (Praveen Kumar vs. State of U.P. and others)**.

7. Learned counsel appearing for the Respondents No. 2 and 3 does not dispute the fact that the issue involved in the present writ petition has already been decided by this court vide judgment and order dated **2.8.2023** passed in **Writ-A No. 6719 of 2023**, wherein it has been held that compassionate appointment has to be treated as a regular appointment from the date of initial appointment and salary is also liable to be paid in regular pay-scale from the date of initial appointment.

8. I have considered the submissions advanced by the learned counsels appearing for the parties and I find that the petitioner in this writ petition has prayed that his appointment made on compassionate ground on a fixed pay may be treated as regular appointment.

9. I find that identical issue has already been considered and decided by this court vide judgment and order dated **2.8.2023** rendered in **Writ-A No.6719 of 2023 (Praveen Kumar vs. State of U.P. and others)**, wherein it has been held that appointment on compassionate ground has to be treated as regular appointment from the date of initial appointment and such appointee is entitled for payment of salary in the regular pay-scale from the date of his initial appointment.

10. In view of the aforesaid reasons, this writ petition is finally **disposed of** with liberty to the petitioner to submit a fresh representation before the District Basic Education Officer, Etah within fifteen days from today and if such representation is filed, Respondent No. 3 shall consider and decide the said representation strictly in light of the judgment and order dated **2.8.2023** rendered by this court in **Writ-A No.6719 of 2023 (Praveen Kumar vs. State of U.P. and others)** within two months thereafter.

**Order Date :- 16.10.2023**

A. Mandhani