

Court No. - 8

Case :- WRIT - A No. - 5600 of 2019

Petitioner :- Vikas Sharma

Respondent :- State Of U.P. Thru Prin.Secy. Sugar Industry And Cane And Ors.

Counsel for Petitioner :- Vivek Kumar,Pradeep Kumar Mishra

Counsel for Respondent :- C.S.C.,Abhishek Singh

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel for the parties.
2. This petition under Article 226 of the Constitution of India has been filed, seeking quashing of the order/letter no.1008-09/Vikas/Pari/Mr.Ni/dated 06.02.2018 passed by respondent no. 2, Commissioner, Cane and Sugar, Uttar Pradesh, Lucknow (Annexure-1).
3. On direction of this Court, Mr. Mr. Sanjay R. Bhoosreddy, Additional Chief Secretary/Cane Commissioner was present before this Court on 21.04.2023, and after hearing him, this Court passed the following order:-

"1. Heard learned counsel appearing for the petitioner and learned Additional Chief Standing Counsel appearing for the State and Sri Abhishek Singh, learned counsel appearing for opposite party No.5.

2. In compliance of the order dated 18.04.2023, Mr. Sanjay R. Bhoosreddy, Additional Chief Secretary/Cane Commissioner is present in the Court. He has explained the circumstances under which it is not possible to offer appointment to the petitioner on compassionate ground under The U.P. Recruitment of Dependents of Government Servants Dying in Harness Rules, 1974 as amended from time to time.

3. Cane Development Council is a body incorporated under Section 5 of the U.P. Sugarcane (Regulation and Supply and Purchase) Act, 1953 and the rules framed thereunder, which does not have any budgetary support from the State Government except for carrying out some road work for the farmers. Council has to manage its final affairs from the prescribed contribution.

4. So far as appointments given on the past on compassionate ground in the council are concerned, Sri Sanjay R. Bhoosreddy fairly submits that it was a mistake as dying in harness rules were not adopted by the council and no fresh appointment has been given after 2014 under dying in harness rules as these rules are not applicable.

5. Sri Vivek Kumar learned counsel appearing for the petitioner

submits that this matter be deferred for final decision for a week and in the meantime, he will speak to his client/petitioner.

6. List this case after a week.

7. In view of the aforesaid explanation, personal appearance of Mr. Sanjay R. Bhoosreddy, Additional Chief Secretary/Cane Commissioner is dispensed with."

4. The petitioner's father was working in Cane Development Councils; he died in harness on 27.03.2017; the petitioner, being the eldest son, applied to the Councils for appointment under the Uttar Pradesh Recruitment of Dependants of Government Servants Dying in Harness Rules, 1974 (hereinafter referred to as the "Rules, 1974"). As the employees of the Cane Development Councils are not Government servants, the provisions of the Rules, 1974 are not applicable. If some of the rules were applicable in respect of service conditions, it would not mean that the Rules, 1974 are also applicable to the employees of the Cane Development Councils, which is an autonomous body, created under Section 5 of the U.P. Sugar Cane (Regulation and Supply and Purchase) Act, 1953. The Government does not grant Budgetary support to the Cane Development Councils. Except for carrying out road work for the farmers, the Councils has to manage its financial affairs from the Finance Controller. If some persons were appointed under the Rules, 1974, a wrong precedent would not entitle the petitioner to get appointment under the said Rules, which are not applicable to the Councils.

5. In view thereof, I find no substance and merit in the present petition, which is hereby **dismissed**.

[D.K. SINGH, J.]

Order Date :- 29.5.2023

MVS/-