

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (S/S) No. 2228 of 2025

Rana Pratap Singh

.....Petitioner

Versus

State of Uttarakhand and others

....Respondents

Present:

Mr. Abhishek Dutt, Advocate for the petitioner.

Mr. Devesh Ghildiyal, Brief Holder for the State.

Hon'ble Ravindra Maithani, J.(Oral)

The challenge in this petition is made to an appointment letter dated 21.01.2014, by which the respondent no.3 has been appointed under Uttar Pradesh Recruitment Of Dependents Of Government Servants Dying In Harness Rules, 1974 ("the 1974 Rules"). The petitioner also claims that he should be given appointment under the 1974 Rules.

2. Heard learned counsel for the parties and perused the record.

3. It is the case of the petitioner that his father Late Sri Ramashankar Singh was working as a Forest Guard in Tarai Western Forest Division, when he died on 08.11.2013 leaving behind the mother of the petitioner, his younger brother, respondent no.3 and three sisters. At the relevant time, the petitioner was working as labourer abroad in Qatar. After the death of his father, the petitioner came to his home and requested his mother Smt. Kaushalya Devi to apply for the compassionate appointment under the 1974 Rules and the mother of the petitioner had assured the petitioner accordingly.

Thereafter, the petitioner returned abroad. In the year 2019, when the mother of the petitioner died, the petitioner came to know that, in fact, the appointment has been secured by the respondent no.3 under the 1974 Rules.

4. It is the case of the petitioner that from 2013 to 2019, the petitioner never came to know that his mother had not applied for appointment and he was not aware that, in fact, respondent no.3 had secured appointment; the petitioner has never given any no objection certificate or affidavit or any consent for the appointment of respondent no.3, which, it is stated, is mandatory as per scheme. Thereafter, the petitioner wrote multiple letters to the authorities. He also sought information under the Right to Information Act, 2005. Hence, the petition.

5. Learned counsel for the petitioner submits that after the death of his father, his mother had assured that she would seek appointment under the 1974 Rules. It was in the year 2013. Thereafter, the petitioner left for his occupation abroad in Qatar. In the year 2019, when his mother died only then he came to know that his mother did not secure appointment, instead the respondent no.3 had secured appointment under the 1974 Rules, without any consent or no objection from the petitioner. It is argued that the respondent may be asked to file documents pertaining to the appointment of the respondent no.3.

6. In fact, the petitioner had earlier filed an application under Section 175 (3) of the Bhartiya Nagarik Suraksha Sanhita, 2023 ("BNSS 2023") in the court of Civil Judge (Junior Division)/Judicial

Magistrate, Jaspur, District Udham Singh Nagar, which was registered as Misc. Criminal Case No. 113 of 2025, Rana Pratap Singh Vs. Tej Pratap Singh ("the case"). The case was decided on 16.10.2025 and the application filed under Section 175 (3) of the BNSS, 2023 filed by the petitioner has been rejected. In paras 9 and 10 of the order passed in the case, the court had recorded that there has been no forgery made. In fact, after inquiry, the Divisional Forest Officer has offered appointment to the respondent no.3. It also records that, in fact, after sudden death of Sri Ramashankar Singh, his wife Smt. Kaushalya Devi recommended for appointment of her younger son under the 1974 Rules and she has also given an affidavit on that aspect.

7. The petitioner has not brought to the notice of the Court that any forgery was ever committed by anyone. The petitioner admittedly did not apply for his appointment under the 1974 Rules. He himself admits that in the year 2013 when his father died, he was working abroad. He claims that his mother had assured him that she would seek appointment under the 1974 Rules and it is only after her death in the year 2019, the petitioner came to know that she did not get the appointment, instead the respondent no.3 secured appointment. After 12 years of the death of his father, now the petitioner is challenging his brother's appointment under the 1974 Rules.

8. There is a purpose for offering appointment under the 1974 Rules to help the family in distress to financially help such a family. At the relevant time, admittedly, the petitioner was working abroad in Qatar. He was not in need of any compassionate appointment. His mother was in need of assistance. She did not seek

any appointment, instead as per the order dated 16.10.2025 passed in the case, she recommended her younger son for appointment and as per the Rules, her younger son was appointed. After 12 years, the petitioner cannot claim appointment under the 1974 Rules.

9. Having considered, this Court is of the view that, in fact, this petition is misconceived. Accordingly, the writ petition deserves to be dismissed at the stage of admission itself.

10. The writ petition is dismissed *in limine*.

(Ravindra Maithani, J.)
31.12.2025

Jitendra