



# **HIGH COURT OF UTTARAKHAND AT NAINITAL**

## **Writ Petition Service Single No. 334 of 2025**

**04 August, 2026**

Shubham Pundir

--Petitioner

**Versus**

State Of Uttarakhand & others

--Respondents

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Presence:-

Ms. Priya Mewari, learned counsel for the petitioner.

Mr. Anil K. Dabral, learned Additional C.S.C. for the State.

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**Hon'ble Pankaj Purohit, J.**

By means of present writ petition, petitioner has sought the following reliefs:-

*“(i) Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 11.03.2024 (Annexure No.15 to this writ petition) passed by Respondent No.4 by which the petitioner has been denied the appointment under Dying in Harness Rules.*

*(ii) Issue a writ, order or direction in the nature of mandamus directing the respondents to give the appointment to the petitioner under the Dying in Harness Rules 1973, due to untimely death of the father of the petitioner on 17.11.2012 while he was in service of the concerned respondent Department.”*

2. The facts of the case in brief are that the father of the petitioner, Late Shri Jaisingh Pundir, was serving as a Bandi Rakshak in District Jail, Haridwar, who died in harness on 17.11.2012, leaving behind his wife and four children, including the petitioner, who was minor at the relevant time. The petitioner's mother submitted an application dated 04.06.2014 before the respondent authorities requesting compassionate appointment for



the petitioner upon his attaining majority. The receipt of the said application was duly entered in the departmental postal register on 24.06.2014. After attaining majority, the petitioner submitted further applications and representations, along with the requisite documents, seeking appointment under the Uttarakhand Recruitment of Dependants of Government Servant Dying in Harness Rules, 1974. The respondents, however, rejected the petitioner's claim vide order dated 11.03.2024 on the ground that the application for compassionate appointment was not made within the period prescribed under the Rules and that the claim was not covered thereunder. Aggrieved thereby, the petitioner has preferred the present writ petition seeking quashing of the order dated 11.03.2024 and a direction to the respondents to consider his claim for compassionate appointment in accordance with law.

3. Learned counsel for the petitioner submitted that the impugned order dated 11.03.2024 is arbitrary, illegal and contrary to the Uttarakhand Recruitment of Dependants of Government Servants Dying in Harness Rules, 1974. It was contended that the petitioner was a minor when his father died and, therefore, his mother submitted an application dated 04.06.2014 seeking compassionate appointment for the petitioner upon his attaining majority. The said application was duly received by the respondents and entered in the departmental postal register on 24.06.2014. It was submitted that the petitioner cannot be made to suffer merely because the original application is no longer traceable in the records maintained by the respondents.

4. It was further submitted by the learned



counsel that after attaining majority, the petitioner furnished the requisite documents and submitted subsequent representations in continuation of the original application. The respondents themselves processed the petitioner's claim by calling upon him to furnish documents from time to time and, therefore, erred in treating the application dated 12.06.2019 as the first application for compassionate appointment. It was, therefore, prayed that the impugned order be quashed and the petitioner's claim be considered afresh in accordance with law.

5. Learned Counsel, appearing for the respondents, opposed the writ petition and submitted that the petitioner's claim for compassionate appointment was rightly rejected as it did not satisfy the requirements of Rule 5(1)(iii) of the Uttarakhand Recruitment of Dependents of Government Servants Dying in Harness Rules, 1974. It was contended that the first application seeking compassionate appointment was submitted by the petitioner only on 12.06.2019, i.e., beyond five years from the date of death of the deceased employee. The communication dated 04.06.2014 submitted by the petitioner's mother was merely an intimation regarding the petitioner's minority and could not be treated as an application for compassionate appointment.

6. It was further submitted by the learned counsel that compassionate appointment is intended to provide immediate financial assistance to the family of the deceased employee and cannot be claimed as a matter of right after an inordinate lapse of time. The competent authority, after considering the petitioner's



representations and obtaining the opinion of the State Government, rightly concluded that the petitioner's case was not covered under the 1974 Rules. It was, therefore, prayed that the writ petition be dismissed.

7. Having heard the learned counsel for the parties and upon perusal of the material available on record, this Court is of the considered opinion that the impugned order cannot be sustained. Rule 5 of the Uttarakhand Recruitment of Dependants of Government Servants Dying in Harness Rules, 1974 provides that one member of the family of a deceased Government servant shall, on making an application, be given suitable employment in Government service, subject to fulfillment of the prescribed conditions. Clause (iii) thereof stipulates that the dependant **"makes the application for employment within five years from the date of the death of the Government servant."** The proviso further empowers the State Government to dispense with or relax the said requirement where the prescribed time limit causes undue hardship and such relaxation is necessary to deal with the case in a just and equitable manner.

8. In the present case, the respondents have rejected the petitioner's claim solely on the ground that the first application seeking compassionate appointment was submitted on 12.06.2019. However, the respondents themselves have admitted that the application dated 04.06.2014 submitted by the petitioner's mother was received in the office of the Prison Headquarters and its receipt was duly entered in the departmental postal register on 24.06.2014. Once the receipt of the application within the prescribed period is admitted, the petitioner cannot be made to suffer merely because the



original application is no longer traceable in the records maintained by the respondents. The subsequent application submitted by the petitioner after attaining majority was only in continuation of the original claim. Even otherwise, having regard to the fact that the petitioner was admittedly a minor on the date of death of his father, the respondents were also required to consider the scope of the proviso to Rule 5 before rejecting the petitioner's claim. The impugned order, therefore, cannot be sustained.

9. Accordingly, the writ petition is allowed. The impugned order dated 11.03.2024 is hereby set-aside. Respondent no.4 is directed to consider the claim of petitioner for compassionate appointment afresh, extending benefit of proviso to Rule 5 of the Rules of 1974 to the petitioner, in the facts and circumstances of the case.

10. Pending application, if any, stands disposed of accordingly.

**(Pankaj Purohit, J.)**

04.08.2026

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