



HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE SHRI MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE SHRI SUBHASH UPADHYAY

27th July, 2026

SPECIAL APPEAL NO.318 of 2026

Surya Kant

-----Appellant

Versus

State of Uttarakhand and Others

----Respondents

Presence:-

Mr. Pulak Raj Mullick, learned counsel for the appellant through V.C.
Mr. Amrendra Pratap Singh, learned Additional Advocate General with
Mr. J.C. Pande, learned Standing Counsel for the State.
Mr. Ashish Joshi and Mr. Shobhit Joshi, learned counsel for the private
respondents.

JUDGMENT: (per Manoj Kumar Gupta, C.J.)

1. The present intra Court appeal is directed against the order of learned Single Judge dated 17.06.2026, whereby, the writ petition filed by the appellant (WPSS No. 1227 of 2026) has been dismissed.

2. The appellant's father was a Driver in the respondent – Corporation. His services was terminated by an order dated 07.08.1997 due to un-authorized absence from duty w.e.f. 16.01.1996 to 07.04.1996. The termination order was subject matter of challenge by the father of the appellant before the Labour Court in Adjudication Case No. 38 of 2001. The Labour Court found the dismissal to be disproportionate to the misconduct and consequently, by award dated 06.04.2002 directed for reinstatement with full back wages. The



respondent – Corporation challenged the award of the Labour Court in WPMS No.600 of 2002. The said writ petition was partly allowed by judgment dated 14.12.2011 and the award passed by the Labour Court was modified to the extent that the workman was held not entitled for back wages. Father of the appellant died on 13.07.2003. In 2013, after about 10 years, the appellant filed an application for compassionate appointment. At that time, he was 29 years of age. On 07.12.2015, the application for compassionate appointment was rejected as the Regional Selection Committee found the appellant lacking the requisite qualification. The appellant filed another application in 2017. He thereafter, again kept silent for almost nine years and then filed the writ petition before this Court challenging the order passed by the Corporation dated 07.12.2015 rejecting his prayer for compassionate appointment and also prayed for a writ of mandamus commanding the respondents to appoint him on compassionate basis.

3. The learned Single Judge has considered the entire facts and after noticing that the order of rejection of the claim of the petitioner was passed on 07.12.2015 and it was not challenged for almost ten years, refused to grant any relief to the petitioner. The learned Single



Judge has also observed that appointment on compassionate basis is not a mode of appointment but is given to dependent of a deceased government servant to tide over the financial crisis which befalls upon the family as a result of death of the bread earner.

4. We fully agree with the view taken by the learned Single Judge. The father of the appellant died on 13.07.2003. The claim for compassionate appointment was made, for the first time, in the year, 2013, i.e., after ten years of death of his father. The claim of the appellant was rejected on 07.12.2015 and thereafter, once again, the said order remained un-challenged for ten years.

5. In these circumstances, there is no good reason to take different view from what has been taken by the learned Single Judge.

6. The appeal lacks merit and is dismissed.

7. Pending application, if any, also stand(s) disposed of.

(MANOJ KUMAR GUPTA, C.J.)

(SUBHASH UPADHYAY, J.)

Dated: 27.07.2026

KKS/PP