



2026:UHC:6165

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Service Single No. 2059 of 2022

20 July, 2026

Prakash Chandra Joshi

--Petitioner

Versus

State Of Uttarakhand and others

--Respondents

Presence:-

Mr. Pooran Singh Rawat, learned counsel for the petitioner.

Mr. K.N. Joshi, learned Dy.A.G. for the State.

Hon'ble Pankaj Purohit, J. (Oral)

1. This writ petition has been filed under Article 226 of the Constitution of India by the petitioner for quashing the order dated 30.09.2022 (Annexure No.26 to the writ petition) passed by the Chief Conservator of Forest, Human Resources Development and Karmik, Dehradun. A further writ of mandamus has been sought directing the respondents to give appointment to the petitioner as per his educational qualification under the U.P. Recruitment of Dependants of Government Servants Dying in Harness Rules, 1974.

2. The facts, in brief, are that the father of the petitioner, Late Shri Vishnu Dutt Joshi, was working as a daily-wage employee in the respondent-Forest Department since 01.04.1993. Vide order dated 05.01.2022, his name was included in a consolidated list of daily-wage employees working prior to 10.04.1996 for consideration of regularisation. However, before any formal order of regularisation could be issued, he died on 08.01.2022. Thereafter, the petitioner applied for compassionate appointment under the U.P. Recruitment of Dependants of Government Servants Dying in Harness Rules, 1974 and



2026:UHC:6165

submitted the requisite documents. Upon non-consideration of his application, he approached this Court by filing Writ Petition (S/S) No. 1009 of 2022, which was disposed of on 08.06.2022 with a direction to the competent authority to consider his application in light of the decision dated 05.01.2022 concerning regularisation of his father. Pursuant thereto, the petitioner's claim was considered and rejected vide order dated 30.09.2022 on the ground that his father was a daily-wage employee and did not fall within the definition of a "Government Servant" under the 1974 Rules. Aggrieved by the said order, the petitioner has preferred the present writ petition.

3. Learned counsel for the petitioner submitted that the impugned order dated 30.09.2022 is arbitrary and contrary to the material on record. It was contended that the petitioner's father had been continuously working in the Forest Department since 01.04.1993 and his name figured at Serial No. 151 in the consolidated list dated 05.01.2022 for regularisation. However, before a formal order could be issued, he unfortunately died on 08.01.2022, and the petitioner cannot be deprived of compassionate appointment merely on this ground. It was further submitted that while disposing of Writ Petition (S/S) No. 1009 of 2022, this Court had specifically directed the competent authority to consider the petitioner's claim in light of the decision dated 05.01.2022 regarding regularisation of his father. However, the respondents mechanically rejected his claim by treating the deceased merely as a daily-wage employee without considering the effect of the said decision.

4. Learned counsel for the petitioner further contended that the petitioner's case stands on a different footing, as the process of regularisation had already been



2026:UHC:6165

undertaken and his father's name included in the relevant list prior to his death. It was, therefore, prayed that the impugned order be set aside and the petitioner's claim for compassionate appointment be considered under the Dying in Harness Rules, 1974.

5. Learned counsel, appearing for the respondents, opposed the writ petition and submitted that the petitioner's father was admittedly a daily-wage employee at the time of his death and his services had never been regularised. Mere inclusion of his name in the list dated 05.01.2022 did not confer upon him the status of a regular Government servant, as regularisation was subject to scrutiny and approval by the competent Selection Committee. It was further submitted that since no order of regularisation was issued during the lifetime of the petitioner's father, he did not fall within the definition of a "Government Servant" under Rule 2(a) of the Dying in Harness Rules, 1974. Pursuant to the earlier directions of this Court, the petitioner's claim was duly reconsidered and rejected by a reasoned order dated 30.09.2022.

6. Relying upon the decisions in Uttarakhand Van Vikas Nigam & another v. Suresh Chandra Auli 2011 SCC OnLine Utt 2450 (Full Bench decision) and Rajendra Singh Jeena v. State of Uttarakhand 2015 SCC OnLine Utt 1960, learned Counsel submitted that dependants of daily-wage employees are not entitled to compassionate appointment under the 1974 Rules. It was, therefore, prayed that the writ petition be dismissed.

7. Having heard the learned counsel for the parties and after perusal of the material available on record, this Court is of the considered opinion that no case for interference with the impugned order is made out.



2026:UHC:6165

8. Admittedly, the petitioner's father was working as a daily-wage employee at the time of his death on 08.01.2022. Mere inclusion of his name in the list dated 05.01.2022 for consideration of regularisation did not amount to actual regularisation or confer upon him the status of a regular Government servant, particularly when the process was subject to scrutiny and approval by the competent authority. Since no order regularising his services was issued during his lifetime, he continued to remain a daily-wage employee and, therefore, did not fall within the definition of a "Government Servant" under Rule 2(a) of the Dying in Harness Rules, 1974. The petitioner's claim was duly reconsidered pursuant to the earlier directions issued by this Court and rejected by a reasoned order dated 30.09.2022. In view of the settled legal position that the dependant of a daily-wage employee cannot claim compassionate appointment under the 1974 Rules, this Court finds no illegality or arbitrariness in the impugned order warranting interference under Article 226 of the Constitution of India.

9. Accordingly, the writ petition, being devoid of merit, is dismissed. The impugned order dated 30.09.2022 is hereby affirmed.

(Pankaj Purohit, J.)
20.07.2026

Rdang