SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			SPA/140/2023 Bhupendra Singh --Appellant **Versus** State of Uttarakhand & Others --Respondents **Hon'ble Manoj Kumar Tiwari, A.C.J.** **Hon'ble Subhash Upadhyay, J.** Mr. Abhijit Sati, Advocate, i/b Mr. B.S. Adhikari, Advocate for the appellant. Mr. J.C. Pandey, Additional CSC, for the State. (2) This intra-court appeal is directed against the judgment dated 8.7.2022 and order dated 19.12.2022, rendered by learned Single Judge in Writ Petition (S/S) No. 586 of 2018 and application (MCC/9189/2022), seeking review of the said judgment, respectively. By the judgment dated 8.7.2022, appellant's claim for compassionate appointment was rejected on the ground that appellant's father was not a regular government servant, but was a part-time employee, discharging duties as Tube-Well Operator. Learned Single Judge relied upon the judgment rendered by a Full Bench of this Court in the case of Uttarakhand Van Vikas Nigam & Another v. Suresh Chandra Auli, reported as 2012 (1) UD 6. Para 27 of the Full Bench judgment, on which reliance was placed, is reproduced below:- *"27. This Court therefore holds that the dependants of a daily wage employee are not covered under the definition of a "Government Servant" as defined under Section 2 (a)(iii) of the Dying in Harness Rules. Hence, they are not liable to be given employment on compassionate ground under the Rules, irrespective of the numbers of the years such an employee had put in service, prior to his death."*

(3) Admittedly, father of the appellant was a part-time employee, who served as Tube-Well Operator. There is nothing on record to show that appellant's father had earned the right to be considered for regularisation or any process was initiated for regularisation of part-time Tube-Well Operators. Since, till death, appellant's father continued as a part-time employee, therefore, the view taken by learned Single Judge cannot be faulted. Thus, this intra-court appeal, challenging the judgment dated 8.7.2022 and order dated 19.12.2022, is dismissed.

(Subhash Upadhyay, J.) (Manoj Kumar Tiwari, A.C.J.)
6.11.2026

Pr

PRABODH KUMAR