



2026:UHC:3389

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>WPSS/709/2024</u></p> <p><b><u>Hon'ble Manoj Kumar Tiwari, J</u></b></p> <p>1. Mr. Alok Dalakoti, learned counsel for the petitioner.</p> <p>2. Mr. K.N. Joshi, learned Deputy Advocate General for the State of Uttarakhand.</p> <p>3. Petitioner's father was serving as Beat Watcher in Haldwani Forest Division since July, 1990, who died on 04.11.2013 while on duty due to attack by wild elephant. Averment to this effect is made in para 5 of the writ petition, which is not denied in the counter affidavit filed by Mr. Ramesh Chandra Kandpal, Divisional Forest Officer, Haldwani on behalf of respondent nos. 2 to 4.</p> <p>4. Petitioner applied for compassionate appointment. His claim for compassionate appointment was rejected by Divisional Forest Officer concerned vide order dated 28.10.2020. Thus, feeling aggrieved, petitioner has approached this Court.</p> <p>5. The ground taken for rejecting petitioner's claim is that appointment order was not issued to his father and he was serving as unskilled daily wager in Forest Department, therefore, petitioner's case is not covered by the U.P. Recruitment of Dependants of Government Servants (Dying in Harness) Rules, 1974.</p>



6. Learned counsel for the petitioner submits that after serving for more than twenty-three years in Forest Department, his father cannot be treated as a casual employee without any right. Reliance is placed upon the definition of "Government Servant" given in Rule 2(a) of the U.P. Recruitment of Dependants of Government Servants Dying in Harness Rules, 1974, especially Clause (iii) of Rule 2(a), which reads as under: -

"(iii) though not regularly appointed, had put in three years' continuous service in regular vacancy in such employment."

7. It is thus contended that Clause (iii) of Rule 2(a) takes care of persons like petitioner's father, who had put in more than three years continuous service, and dependant of such persons who served continuously for three years or more are also eligible for appointment, even if their status was not that of regular employee.

8. Learned counsel for the petitioner relies upon a judgment rendered by Hon'ble Supreme Court in the case of *Jaggo vs Union of India & others*, reported as 2024 INSC 1034 for contending that after taking work from petitioner's father for more than twenty-three years, he cannot be termed as "casual employee" and further that petitioner's case is covered by Rule 2(a)(iii) of the aforesaid Rules.

9. Learned counsel for the petitioner further submits that if not regular appointment, then petitioner is entitled at least to engagement as a daily wager or on contract in Forest Department, however, that aspect has also been completely overlooked by the Competent



Authority.

10. This Court finds some substance in the submission made by learned counsel for the petitioner. Since petitioner's father died while discharging duty in Forest Department in a human-animal conflict, therefore, it was incumbent upon the Competent Authority to consider petitioner's claim for appointment sympathetically. If not for regular appointment, petitioners claim could have been considered for appointment as a daily wager or on contract. Since that was not done by the Competent Authority, therefore, the writ petition is disposed of by directing the Competent Authority to re-examine the claim of the petitioner for appointment as daily wager or on contract. Necessary order shall be passed by the Competent Authority within six weeks from the date of presentation of certified copy of this order.

**(Manoj Kumar Tiwari, J)**

05.05.2026

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2026:UHC:3389

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